S. HRG. 100-866

MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT, CONGAREE SWAMP NATIONAL MONUMENT EXPANSION AND WILDERNESS ACT, AND CHARLES PINCKNEY HISTORIC SITE

HEARING

BEFORE THE

SUBCOMMITTEE ON

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 1643

TO ESTABLISH THE MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR

S. 2018

TO EXPAND THE BOUNDARIES OF THE CONGAREE SWAMP NATIONAL MONUMENT, TO DESIGNATE WILDERNESS THEREIN, AND FOR OTHER PURPOSES

S. 2058

TO AUTHORIZE THE ESTABLISHMENT OF THE CHARLES PINCKNEY NATIONAL HISTORIC SITE IN THE STATE OF SOUTH CAROLINA, AND FOR OTHER PURPOSES

JUNE 23, 1988

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

90-788 WASHINGTON : 1988

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

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MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT, CONGAREE SWAMP NATIONAL MONUMENT EXPANSION AND WILDERNESS ACT, AND CHARLES PINCKNEY HISTORIC SITE

THURSDAY, JUNE 23, 1988

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met at 9:37 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The Subcommittee will come to order.

The purpose of the hearing today is to receive testimony on three measures currently pending before the Subcommittee on Public Lands, National Parks, and Forests. The three measures are: S. 1643, a bill to establish the Mississippi River National Heritage Corridor; S. 2018, a bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; and S. 2058, a bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

I will place a copy of each bill in the hearing record.

The hearing record will remain open for two weeks for the purpose of receiving additional materials, statements, and so on.

Before we hear from our first witness today, I want to say a few words about S. 1643, the Mississippi River National Heritage Corridor bill.

Many of you know that I have been interested in the resources of the Mississippi River region, especially the delta and the poverty therein, for many years. It is my view that we need to take every opportunity to promote and enhance the tremendous resource base that we have along the river. While the Mississippi River Parkway Commission and other entities have done an excellent job in promoting the scenic, historic, environmental, economic and cultural resources of this region, more needs to be done.

Some mechanism needs to be found to focus the spotlight on these important values and to make people both inside and outside of the region aware of this significant national asset.

I feel that S. 1643 can provide a good starting point for such an effort.

I also want to note for the record that I am currently pursuing some of the economic development potential of this region through another measure, S. 2246, the Lower Mississippi Delta Development Act.

And I will insert the rest of my remarks in the record.

[The prepared statement of Senator Bumpers and the texts of the bills follow:]

STATEMENT BY THE HONORABLE DALE BUMPERS

The purpose of the hearing today is to receive testimony on three measures currently pending before the Subcommittee on Public Lands, National Parks and Forests. The three measures are:

S. 1643, a bill to establish the Mississippi River National Heritage Corridor;

S. 2018, a bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; and

S. 2058, a bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

At this point, I will place a copy of each bill in the Hearing Record. The Hearing Record will remain open for two weeks for the purpose of receiving additional materials, statements, etc..

Before we hear from our first witness today, I would like to say a few words about S. 1643, the Mississippi River National Heritage Corridor bill.

As some of you know, I have been interested in the resources of the Mississippi River region, especially the Delta region - for many years. It is my view that we need to take every opportunity to promote

and enhance the tremendous resource base that we have along the Mississippi River. While the Mississippi River Parkway Commission and other entities have done an excellent job in promoting the scenic, historic, environmental, economic, and cultural resources of this region, more needs to be done. Some mechanism needs to be found to focus the spotlight on these important values and to make people, both inside and outside of the region, aware of this significant national asset. I feel that S. 1643 can provide a good starting point for such an effort.

I also want to note for the record that I am currently pursuing some of the economic development potential of this region through another measure I have introduced, S. 2246 - the Lower Mississippi Delta Development Act.

This legislation would establish a Mississippi Delta Development Commission that will be given a one-year charge to study the ten-year education, housing, health, transportation, recreation, infrastructure, capital enhancement and credit availability, energy, small business and industrial development needs of the Mississippi Delta region. This nine-member Commission, composed of one member from each of the seven states in the region plus two federal appointees, will, within one year, make comprehensive recommendations in its report to the Congress, the President, and the various governors concerning what we do now to begin to fully develop the Mississippi Delta economy by the year 2000, thereby eliminating the persistent and pervasive poverty that has

plagued our region.

I see a real opportunity for these two measures to work in tandem for the region, and I urge all the witnesses today to give some thought to how this might be achieved.

II

100TH CONGRESS
1ST SESSION

S. 1643

To establish the Mississippi River National Heritage Corridor.

IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, AUGUST 5), 1987

Mr. SIMON (for himself, Mr. STENNIS, Mr. BOND, Mr. BREAUX, Mr. BUMPERS, Mr. COCHRAN, Mr. DANFORTH, Mr. DIXON, Mr. DURENBERGER, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HARKIN, Mr. JOHNSTON, Mr. KASTEN, and Mr. SASSER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To establish the Mississippi River National Heritage Corridor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi River National Heritage Corridor Act of 1987".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Mississippi River Corridor stretches through 10 States from the headwaters of the Mississippi River in the State of Minnesota to the Gulf of

Mexico and contains nationally significant historic, economic, recreational, scenic, cultural, natural, and scientific resources.

(2) The national interest would be served by the preservation, protection, enhancement, and coordination at all levels of government of such resources in the Mississippi River Corridor for the benefit of the people of the United States.

(3) Despite efforts by the States through which the Mississippi River Corridor stretches, political subdivisions of such States, and volunteer associations and private businesses in such States, the preservation, protection, and enhancement of such resources of the Mississippi River Corridor have not been realized fully.

(4) The Mississippi River Corridor is located in the heartland of the United States and has the potential for further economic, industrial, and agricultural development.

(5) The establishment of the Mississippi River National Heritage Corridor will focus national attention on the available resources of the Mississippi River Corridor and provide a means and a stimulus for coordination for the preservation, protection, enhancement, enjoyment, and utilization of the resources of the Mississippi River Corridor.

(6) The establishment of the Mississippi River National Heritage Corridor Commission would provide a national entity to gather, assess, and disseminate information on the recreational, cultural, historic, and economic opportunities in the Mississippi River Corridor.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "Commission" means the Mississippi River National Heritage Corridor Commission, previously referred to as the Mississippi River Parkway Commission;

(2) the term "Corridor" means the Mississippi River National Heritage Corridor;

(3) the term "political subdivision of a State" means a political subdivision of a State, any part of which is located in or adjacent to the Corridor, including counties, parishes, townships, cities, towns, villages, park districts, and forest preserve districts;

(4) the term "Mississippi River Corridor" means the area included in the Corridor;

(5) the term "Secretary" means the Secretary of the Interior; and

(6) the term "State" means the State of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, or Wisconsin.

SEC. 4. ESTABLISHMENT; BOUNDARIES.

(a) ESTABLISHMENT.—There is established the Mississippi River National Heritage Corridor.

(b) BOUNDARIES.—(1) Subject to paragraph (2), the Corridor shall consist of the area within boundary lines depicted on the map entitled "Great River Road Inventory 1985". Such map shall be—

(A) on file with—

(i) the Commission;

(ii) the Mississippi River Parkway Commission; and

(iii) the Department of the Interior; and

(B) available for public inspection.

(2) The Commission may revise the boundaries of the Corridor. Any such revision shall be published by the Secretary in the Federal Register.

SEC. 5. ESTABLISHMENT OF THE COMMISSION.

There is established the Mississippi River National Heritage Corridor Commission.

SEC. 6. ORGANIZATION OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 101 members as follows:

(1) The Director of the National Park Service; and

(2) 10 individuals from each State, one of whom will be designated by the Governor of that State to serve on the Executive Board—

(A) nominated by the Governor of that State; and

(B) appointed by the Secretary.

(b) FIRST APPOINTMENTS.—Members of the Commission required by subsection (a) to be appointed shall be first appointed not later than 90 days after the date of the enactment of this Act.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment is made.

(d) TERMS.—(1) Except as provided in paragraphs (2) through (4), members of the Commission shall be appointed for terms of 4 years.

(2) Of the members of the Commission first appointed under subsection (a)(2), 50 members shall be appointed for terms of 2 years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term of the predecessor shall be appointed only for the remainder of such term.

(4) Members may continue to serve on the Commission after the expiration of their terms until the date on which a successor is appointed.

(e) PAY.—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(f) REIMBURSEMENT OF EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(g) QUORUM.—(1) 51 members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) A member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(h) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

(i) MEETINGS.—(1) The Commission shall meet at the call of the chairperson or a majority of the members.

(2) The Commission shall hold its first meeting not later than 45 days after the members of the Commission are first appointed.

SEC. 7. EXECUTIVE BOARD.

(a) ESTABLISHMENT.—There shall be an Executive Board of the Commission. The Executive Board shall be comprised of 11 members, 10 of whom are designated as such under section 6(a)(2) and 1 of whom shall be the Director of the National Park Service.

(b) FUNCTIONS.—The Executive Board shall be responsible for carrying out the day-to-day operations of the Commission, including—

(1) appointing and fixing the pay of staff;

(2) procuring temporary and intermittent services;

(3) accepting personnel detailed to the Commission;

(4) contracting for goods and services; and

(5) any other duty delegated by the Commission.

(c) QUORUM.—Six members of the Executive Board shall constitute a quorum.

(d) CHAIRPERSON.—The chairperson of the Commission shall serve as chairperson of the Executive Board.

SEC. 8. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS; PERSONNEL OF FEDERAL AGENCIES.

(a) STAFF.—Subject to—

(1) the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates,

the Commission may appoint and fix the pay of such staff as the Commission considers appropriate.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) PERSONNEL OF STATES AND POLITICAL SUBDIVISIONS.— The Commission may—

(1) accept the services of personnel detailed from a State or a political subdivision of a State; and

(2) reimburse such State or such subdivision for such services.

(d) PERSONNEL OF FEDERAL AGENCIES.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 9. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—For the purpose of carrying out this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and

receive such evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency (as defined in section 5520(c)(4) of title 5, United States Code), from a State, and from any political subdivision of a State information necessary to enable the Commission to carry out this Act. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services, moneys, and other property.

SEC. 10. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Not later than 2 years after the first meeting of the Commission, the Commission shall, in consultation with the Secretary, prepare a plan which shall provide an inventory and assess the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, recreational, scenic, cultural, natural, and scientific resources of the Corridor. The plan shall—

(1) provide an inventory and assessment of the historic, economic, recreational, scenic, cultural, natural, and scientific resources of the Corridor;

(2) contain a description of economic opportunities in the corridor and proposals to expand economic development in the Corridor; and

(3) include recommendations to encourage economic development which is balanced with historic preservation, tourism, and environmental protection and enhancement.

(b) ASSISTANCE.—The Commission shall assist States, political subdivisions of States, and tribal governments that undertake activities to preserve, protect, enhance, or utilize the historic, economic, recreational, scenic, cultural, natural, or scientific resources of the Corridor.

(c) INFORMATION CLEARINGHOUSE.—The Commission shall collect information dealing with ongoing activities, management plans, and opportunities regarding historic, econom-

ic, recreational, scenic, cultural, natural, and scientific resources in the Corridor. Such information shall be made available to Federal agencies, States, political subdivisions of States, tribal governments, volunteer associations, and private businesses.

(d) GREAT RIVER ROAD.—The Commission shall cooperate with the Mississippi River Parkway Commission to assist in the continued development, maintenance, and enhancement of the Great River Road as a continuous scenic highway along the entire length of the Corridor.

(e) BIENNIAL REPORT.—The Commission shall submit a report biennially to the chief executive officer of each State and to the Secretary concerning the activities of the Commission for the years involved.

SEC. 11. DUTIES OF THE SECRETARY; OTHER FEDERAL AGENCIES.

(a) SECRETARY.—The Secretary—

(1) shall assist the Commission in preparing the plan referred to in section 10;

(2) shall review such plan;

(3) may propose changes in such plan; and

(4) shall coordinate with the Commission, and Federal agencies affected by such plan, the process for developing and implementing such plan.

(b) FEDERAL AGENCIES.—Any Federal agency entity conducting or supporting activities directly affecting the Corridor shall, to the maximum extent practicable, conduct or support such activities in a manner that takes the plan referred to in section 10 into account.

SEC. 12. RESTRICTIONS.

Nothing in this Act shall be construed to invest in the Commission or the Secretary authority to interfere with the activities of a State, a political subdivision of a State, or a tribal government.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $500,000 for each of the fiscal years 1989, 1990, and 1991 to carry out this Act.

II

100TH CONGRESS
2D SESSION

S. 2018

To expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 1988

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wildnerness Act".

TITLE I—WILDERNESS DESIGNATION

SEC. 101. NATIONAL PARK WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—The lands described in subsection (b) are hereby designated as wilderness

in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(b) DESCRIPTION OF LANDS.—The lands designated as wilderness under subsection (a) consist of the area comprising 15,138 acres within the boundary as generally depicted on the map entitled "Wilderness Proposal, Congaree Swamp National Monument", dated September 1987, including existing monument areas on such map designated as potential wilderness.

SEC. 102. MAP AND DESCRIPTION.

A map and description of the boundaries of the areas in section 101 shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of the area designated. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: *Provided,* That correction of clerical

and typographical errors in such maps and descriptions may be made.

SEC. 103. CESSATION OF CERTAIN USES.

Any lands described in section 101(b) which represent potential wilderness additions upon acquisition of non-Federal interests in land and publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 104. ADMINISTRATION.

The areas designated by section 101 as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE II—ADDITIONS TO THE CONGAREE SWAMP NATIONAL MONUMENT

SEC. 201. ADDITIONAL LANDS.

The first section of Public Law 94–545, relating to the Congaree Swamp National Monument, is amended by—

(1) inserting "(a)" after "That"; and

(2) adding at the end thereof the following:

"(b) In addition to the lands described in subsection (a), the monument shall consist of the additional area within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', dated November 1987, which shall be on file and available for public inspection in the offices of the National Park Service, Department on the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres.".

SEC. 202. ADDITIONAL FUNDS FOR LAND ACQUISITION.

Section 5(a) of Public Law 94–545 is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of land described in subsection (b) of the first section.".

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL MONUMENT DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of Public Law 94–545 is amended by adding at the end thereof the following:

"(c) There are hereby authorized to be appropriated $2,697,750 for construction and development within the monument."

II

100TH CONGRESS
2D SESSION

S. 2058

To authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 15), 1988

Mr. THURMOND (for himself and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO ESTABLISH SITE.

In order to protect and interpret for the benefit of the people of the United States the home of Charles Pinckney, signer of the United States Constitution and author of the document known as the "Pinckney Draft" of the Constitution, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to designate such

of the lands, interests in lands, and improvements thereon as comprise the property in the vicinity of Charleston, South Carolina, known as "Snee Farm" which he deems necessary and appropriate for establishment and administration as a national historic site.

SEC. 2. LAND ACQUISITION.

(a) AUTHORITY TO ACQUIRE LAND.—Within the area designated by the Secretary pursuant to section 1 of this Act, the Secretary is authorized to acquire lands, interests in lands, and improvements thereon by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire, by the same methods, personal property associated with and appropriate for interpretation of the site.

(b) ESTABLISHMENT OF SITE.—When the Secretary determines that real property sufficient to constitute an efficiently administrable unit has been acquired by the United States for the purposes of this Act, the Secretary shall establish the Charles Pinckney National Historic Site by publication of a notice to that effect in the Federal Register. The Secretary may thereafter continue to acquire property for the site in accordance with the provisions of this Act. Pending such establishment and thereafter, the Secretary shall administer real and personal property acquired for the purposes of this Act in accordance with the provisions of the Act of

August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461).

(c) REPORT TO CONGRESS.—Within 3 complete fiscal years from the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the national historic site, prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1—1a–7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Senator BUMPERS. Well, this morning we are considering these three bills, and we are most honored to start our hearing this morning with the Honorable Strom Thurmond, Senator from South Carolina, and Senator Ernest Hollings.

They are both seated at the witness table and Senator Thurmond, would you please proceed. We are honored to have you and anxious to hear your testimony.

STATEMENT OF HON. STROM THURMOND, U.S. SENATOR FROM SOUTH CAROLINA

Senator THURMOND. Thank you very much, Mr. Chairman. Mr. Chairman, it is a distinct pleasure to appear this morning before you and the other members of the Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests.

I want to express my sincere thanks to you, Mr. Chairman, and the ranking minority member, Senator Wallop, and to other members of the Subcommittee for the opportunity to testify today on two bills I have introduced: S. 2018, the bill to expand the boundaries of the Congaree Swamp national monument; and S. 2058, a bill to authorize the establishment of the Charles Pinckney national historic site.

I am pleased that my distinguished fellow colleague from South Carolina, Senator Hollings, is an original co-sponsor of both pieces of legislation, and I am glad that he could be here this morning.

Mr. Chairman, I plan to speak briefly of both bills, and I ask that a separate, more detailed statement be included in the record.

Senator BUMPERS. Without objection, it will be entered.

Senator THURMOND. Now, as to the Congaree Swamp expansion, in May of 1976 it was my privilege to introduce legislation which authorized the establishment of the Congaree Swamp national monument, one of the few remaining examples of an old growth southern bottomland forest. In October of that same year, former President Ford signed into law legislation which established about 15,000 acres of the Congaree as a national monument.

Earlier this year, it was my privilege to introduce S. 2018, the Congaree Swamp National Monument Expansion Wilderness Act. This legislation will increase the acreage of the monument to a level many familiar with the area believe is necessary to fully protect the monument.

This legislation would add up to 7,000 acres, primarily along the northern, southern, and eastern borders of the swamp.

Mr. Chairman, I have brought with me a map of the monument which designates in green the lands to be added. I want to take just a moment to point this out. The red land is now the land that is currently within the monument. The green is what is to be added.

Senator BUMPERS. Senator Thurmond, is there a river or some natural geographical boundary? It looks like a river on the bottom there. Is that the Congaree River?

Senator THURMOND. Yes, it is.

Senator BUMPERS. So the southern boundary there, you are adding some pieces that are on the south, it looks like are on the south side of the river?

Senator THURMOND. The river is the natural boundary, that is right.

Senator BUMPERS. Is that a natural boundary on the north side, too? Or is that a road?

Senator THURMOND. It is not a natural boundary on the north. Those are not natural boundaries.

In fact, the Congaree River is the natural boundary here. These others are not.

This is what is recommended by the Park Service.

Senator BUMPERS. That is fine. Thank you, Senator.

Senator THURMOND. This bill designates substantially all of the acreage within the existing monument as wilderness area.

For your benefit, this area is identified on that second map as I have tried to explain. Mr. Chairman, included in the lands proposed to be added is a 145-acre tract owned by Mr. William Bruner and sons. This tract is located in the southwestern corner of the monument near Cooks Lake.

In its existing state, the land would be an appropriate addition to the monument. However, the Bruner family desires to keep this tract in their family, and accordingly I want to respect their wishes.

Mr. Chairman, at such time as the full Committee marks up S. 2018 I would appreciate your excluding this property from the proposed addition. This is the tract here I think we ought to exclude, right here.

They want to keep it in the family. They have got a number of children.

Senator BUMPERS. How many acres in that little exclusion there, Strom? Do you know?

Senator HOLLINGS. 145.

Senator BUMPERS. 145.

Senator THURMOND. That is a small tract there.

This legislation is supported by the Governor of South Carolina, the South Carolina Department of Wildlife and Marine Resources, the South Carolina Water Resources Commission, the South Carolina Department of Parks, Recreation, and Tourism, the Wilderness Society, the Sierra Club, the National Parks and Conservation Association, as well as many concerned individuals in South Carolina.

I have previously included letters of support on page S. 376 in the Congressional Record of February 1, 1988, and would draw the attention of the Subcommittee to those letters.

Senator BUMPERS. It will all be admitted.

Senator THURMOND. And I would like to send this book up and let you look at it.

And Mr. Chairman, I would ask unanimous consent that Governor Campbell's letter appear at this point in the record.

Senator BUMPERS. Without objection, it will be admitted.

[Governor Campbell's letter follows:]

State of South Carolina

Office of the Governor

CARROLL A. CAMPBELL, JR.
GOVERNOR

POST OFFICE BOX 11369
COLUMBIA 29211

June 23, 1988

Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to express my full support for S. 2018, to expand the boundaries of the Congaree Swamp National Monument in South Carolina.

As you know, the Congaree Swamp National Monument was established to preserve a fine example of the vanishing southern bottomland hardwood forest, and it is also the home of many ancient trees and several endangered species. S. 2018 is needed to insure the further protection of this priceless resource. This legislation has been sponsored by our entire congressional delegation and has received widespread support across the State of South Carolina. Moreover, the measure has been endorsed by several conservation organizations.

We appreciate the attention by your subcommittee to this important bill.

Sincerely,

Carroll A. Campbell, Jr.
Governor

Senator THURMOND. Now, Mr. Chairman, turning to the Snee Farm. Mr. Chairman, my other bill, S. 2058, would allow the National Parks Service to operate the estate of Charles Pinckney, known as Snee Farm, as a part of the National Park System.

Charles Pinckney was one of our country's finest founding fathers, who had a career of dedicated service to South Carolina and the United States. I have described in my submitted testimony the many accomplishments of Pinckney.

To summarize his career, Pinckney served as a lieutenant in the Revolutionary War, a delegate to the Continental Congress and the Constitutional Convention, a full term Governor of South Carolina, a member of the South Carolina General Assembly, a member of the United States Senate and House of Representatives, and a minister to Spain.

Charles Pinckney is most noted for his contributions to the drafting of the Constitution. He attended the Constitutional Convention full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during the debate.

Pinckney also authored a draft of the Constitution, known as "the Pinckney draft," and it is believed that as many as 31 provisions of his draft were later adopted into the Constitution.

Mr. Chairman, Snee Farm is currently under the threat of development. Realizing the devastating impact development would have on this historic site, a group of local citizens bought an option on the property and they have undertaken a campaign to raise $2 million to purchase Snee Farm.

Incidentally, the wife of my distinguished colleague I believe is Honorary Chairman to raise that money, Ms. Hollings.

This fundraising campaign has been spearheaded by many prominent South Carolinians. This bill has received the support of local citizens of Charleston, SC, the South Carolina Governor, the South Carolina General Assembly, the National Parks Service, the National Trust for Historic Preservation, and the Commission on the Bicentennial of the Constitution.

Mr. Chairman, as you know, the development of historic sites has received considerable attention lately. I am encouraged by this effort where a group of local citizens seized the initiative to save Snee Farm.

They have undertaken a very successful private fundraising drive and now have come to Congress for authorization of the Charles Pinckney national historic site.

The preservation of this historic landmark and the interpretation of this part of our country's history is a worthy project. The House of Representatives unanimously passed companion legislation, H.R. 3960, this week, and I hope that this bill will also receive prompt and favorable consideration from the Senate.

Mr. Chairman, I again thank you and the other members of the Subcommittee for the opportunity to testify. I believe these two bills are important to the preservation of our natural and historic heritage, and I hope that they will receive favorable consideration from your Subcommittee.

And I thank you very much.

[The prepared statement of Senator Thurmond follows:]

90-788 0 - 88 - 2

STATEMENT BY SENATOR STROM THURMOND (R-SC) BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, REGARDING S.2018, AUTHORIZING EXPANSION OF THE CONGAREE SWAMP NATIONAL MONUMENT, AND S.2058, AUTHORIZING THE CHARLES PINCKNEY NATIONAL HISTORIC SITE, 366 DIRKSEN OFFICE BUILDING, THURSDAY, JUNE 23, 1988. 9:30 A.M.

MR. CHAIRMAN:

It is a distinct pleasure to appear this morning before you and the other members of the Senate Subcommittee on Public Lands, National Parks and Forests. I want to express my sincere thanks to you and the Ranking Minority Member, Senator Wallop, and the other members of the subcommittee for the opportunity to testify today on two bills I have introduced--S.2018, a bill to expand the boundaries of the Congaree Swamp National Monument and S.2058, a bill to authorize the establishment of the Charles Pinckney National Historic Site. I am pleased that my distinguished fellow colleague from South Carolina, Senator Hollings, is an original co-sponsor of both pieces of legislation. We worked together back in 1976 to establish the Congaree Monument, and I am pleased to work together again. Mr. Chairman, I plan to speak briefly on both bills, and I ask that my full statement be included in the record.

In May of 1976, it was my privilege to introduce legislation which authorized the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the Northern bank of the Congaree River, and is approximately 20 miles southeast of Columbia, South Carolina. It is a uniquely forested lowland area.

In October of that same year, former President Ford signed into law legislation establishing the Congaree Swamp as a National Monument. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for this monument.

A draft version of the general management plan was submitted to Congress in 1987. A modified version of this plan was the subject of a bill I introduced earlier this year---S.2018, the "Congaree Swamp National Monument Expansion and Wilderness Act".

Shortly after introducing S.2018, a companion bill, H.R.4027, was introduced in the House of Representatives. The House bill contained the substance of the bill I introduced, along with a few clarifying, technical changes. Accordingly, I introduced Amendment No. 1916, which will make these same technical changes in the Senate bill. With these changes, the House and Senate bills will be identical.

Title I of S.2018 would designate substantially all of the acreage within the existing Congaree Swamp Monument as wilderness area. Moreover, the acreage proposed to be added to the monument in Title II of this bill, but not yet federal property, would be designated as a "potential wilderness" area. This is necessary to protect the area until federal acquisition.

Wilderness designation means just what it says - this area is wilderness. It will be preserved in its natural condition.

As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and

installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such areas, all in keeping with the purpose of the National Wilderness Preservation System.

Title II of the bill would increase the acreage of the monument to a level many familiar with the area believe is necessary to fully protect the monument. This title would add up to 7,000 acres, primarily along the northern, southern, and eastern borders of the swamp. The acreage to be added represents what is known as the "Citizens Boundary Proposal", which was developed by a group of concerned citizens who have a keen interest in protecting this National treasure.

Finally, Title III of the bill provides for the authorization of $2.7 million for construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. Chairman, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subject to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200 to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies by the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana Heron, Swallow-tailed Kite, and the Mississippi Kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crappie, yellow perch, and many others.

Mr. Chairman, this enduring component of Creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at large. Hiking, canoeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 20,312 in 1987. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

Mr. Chairman, as earlier mentioned, my bill would authorize the addition of approximately 7,000 acres to the monument. Included in the lands proposed to be added is a 145-acre tract owned by Mr. William Bruner and sons. This tract is located in the southwestern corner of the monument, near Cook's Lake. In its existing state, the land would be an appropriate addition to the monument. However, the Bruner family desires to keep this tract in their family, and accordingly, I want to respect their wishes. Mr. Chairman, at such time as the Committee marks up S.2018, I would appreciate your excluding this property from the proposed additions.

Mr. Chairman, this legislation is supported by the Governor of South Carolina, the South Carolina Department of Wildlife and Marine

Resources, the South Carolina Water Resources Commission, the South Carolina Department of Parks, Recreation, and Tourism, The Wilderness Society, the Sierra Club, the National Parks and Conservation Association and many individuals. I have previously included letters of support on page S376 in the Congressional Record of February 1, 1988, and would draw the attention of the subcommittee to those letters. At this time, I would like to include for the record a notebook with pictures of the monument, a Congressional Budget Office cost estimate, a map of the proposed expansion, and an informative article about the Congaree which appeared in the March/April 1988 issue of the South Carolina Wildlife magazine.

Mr. Chairman, adding the acreage contained in this bill will round out the monument, and provide the type of protection this rich National treasure deserves.

Mr. Chairman, turning now to my other bill, S.2058 would allow the National Park Service to operate the estate of Charles Pinckney as part of the National Park System. Charles Pinckney was one of our Country's finest founding fathers. His estate, known as Snee Farm, is one of only 8 actual primary dwellings that can be directly associated with a signer of the Constitution, and it is the only one that is currently threatened due to plans to develop the Snee Farm property.

The Snee Farm home is a simple, one and one-half story, clapboard structure that was built in 1754 by Colonel Charles Pinckney, father of the signer of the Constitution. The farm house is the centerpiece of a serene 21 acre tract of land located outside Charleston, South Carolina that has remained remarkably undisturbed.

George Washington, after a visit to the estate, referred to Snee Farm as "the Country seat of Charles Pinckney."

Mr. President, as we continue to celebrate the bicentennial of the signing and ratification of the Constitution, it is fitting to preserve the home of one of the most prominent figures at the Constitutional Convention, Mr. Charles Pinckney. Charles Pinckney began a career of dedicated service to his Country by serving in the Revolutionary War. In 1779, he accepted election as a lieutenant in the Charleston Regiment of South Carolina's militia. During the Siege of Savannah, Pinckney was captured and held as a prisoner of war. A general exchange of prisoners secured his release in 1781.

In 1784, Charles Pinckney was elected as a delegate to the Continental Congress, a post he held for three successive terms. As a member of the Continental Congress, Pinckney was a leading supporter of the need to strengthen the central government. He later led the fight for the appointment of a "general committee" to amend the Articles of Confederation, a move that led directly to the Constitutional Convention.

One of Charles Pinckney's greatest contributions to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during debate. Pinckney also authored a draft of the Constitution, known as the "Pinckney Draft". Since a copy of the "Pinckney Draft" was not retained, historians differ as to the actual contribution Pinckney

made to the final draft. Some historians have credited him with being the primary author of the Constitution while others do not attribute as much credit to Pinckney. However, it is generally believed that as many as 31 provisions of his draft were later included in the Constitution.

After working to ensure ratification of the Constitution by South Carolina in 1788, Pinckney continued a distinguished career in government. He served four terms as Governor of South Carolina (1789-1972, 1796-1798, 1806-1808) and served in the S.C. General Assembly from 1810-1814. He was elected to the U.S. Senate in 1798; and in 1801, Pinckney was appointed as U.S. Minister to Spain by President Thomas Jefferson. He finished his public service in the U.S. House of Representatives serving from 1819-1821. Charles Pinckney's long and distinguished career as a public servant clearly makes him worthy of this tribute by authorizing the Charles Pinckney National Historic Site.

In addition to the honor to Pinckney, Snee Farm is also worthy of this designation because it is representative of a significant segment of our Country's history. Snee Farm is an excellent example of 16th century farm house construction. This period was represented by an agrarian way of life whose history should be preserved for future generations.

Mr. Chairman, a highly commendable effort, by a group of citizens known as "Friends of Snee Farm", is underway to raise private funds to purchase the property. The fund raising project is being spearheaded by such able individuals as Mrs. Ernest F. Hollings, the wife of my distinguished Senate colleague from South

Carolina; former South Carolina Governor Robert McNair; and Mrs. Ann Edwards, wife of former South Carolina Governor and former United States Department of Energy Secretary, Dr. James Edwards. In addition, my wife, Nancy, is Chairperson of the Snee Farm Children's Bicentennial Fund. The commitment to raise funds by these highly respected individuals makes it probable that Snee Farm will be privately purchased and then donated to the Interior Department.

Mr. Chairman, the effort to preserve Snee Farm has wide support ranging from the citizens of Charleston, to the Commission of the Bicentennial of the Constitution. I ask that the following items be submitted for the record following my remarks: an article entitled "We Can Save Snee Farm," The News and Courier, December 16, 1987; letters of support from the Honorable Carroll Campbell, Governor of South Carolina, and the Honorable Warren Burger, Chairman of the Commission on the Bicentennial of the Constitution; and Resolutions of support from the South Carolina State Senate and the South Carolina House of Representatives.

Mr. Chairman, I again thank you and the other members of the Subcommittee for the opportunity to testify. I believe these two bills are important to the preservation of our natural and historic heritage, and I hope they will receive favorable consideration from your Subcommittee.

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

May 12, 1988

Honorable Strom Thurmond
United States Senate
Washington, D.C. 20510

Dear Senator:

As you requested, the Congressional Budget Office has prepared the attached cost estimate for S. 2018, the Congaree Swamp National Monument Expansion and Wilderness Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

James L. Blum
Acting Director

cc: Honorable J. Bennett Johnston, Jr.
Chairman
Committee on Energy and Natural Resources

Honorable James A. McClure
Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

May 12, 1988

1. BILL NUMBER: S. 2018

2. BILL TITLE: Congaree Swamp National Monument Expansion and Wilderness Act

3. BILL STATUS: As introduced on February 1, 1988.

4. BILL PURPOSE:

S. 2018 would add approximately 7,000 acres to the Congaree Swamp National Monument and would designate about 22,000 acres of the monument as wilderness. The bill would authorize the appropriation of the sums necessary for land acquisition and $2.7 million for construction and development within the monument.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT:

(by fiscal year, in millions of dollars)

	1989	1990	1991	1992	1993
Estimated Authorization Level	14.7	---	---	---	---
Estimated Outlays	2.8	7.4	2.2	1.2	1.1

The costs of this bill fall within budget function 300.

Basis of Estimate:

In preparing this estimate, CBO assumed that S. 2018 would be enacted prior to the beginning of fiscal year 1989 and that the full amounts authorized in the bill will be appropriated by early in 1989. Based on information from the National Park Service (NPS), we estimate that acquisition of the 7,000 additional acres would cost about $12 million. Outlays were estimated based on information from the NPS on the likely timing of land acquisition from 26 private landowners and subsequent construction and development activities.

6. ESTIMATED COST TO STATE AND LOCAL GOVERNMENTS: None.

7. ESTIMATE COMPARISON: None.

8. PREVIOUS CBO ESTIMATE: None.

9. ESTIMATE PREPARED BY: Theresa A. Gullo (226-2860)

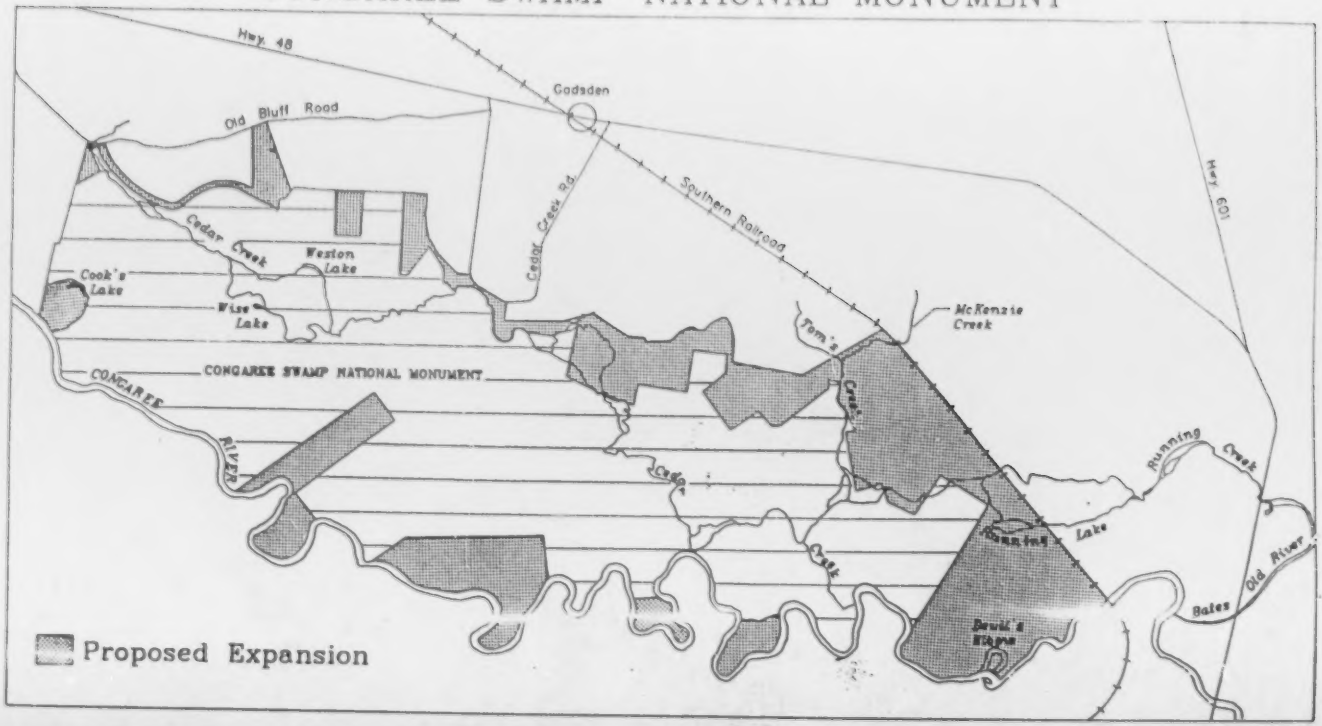
10. ESTIMATE APPROVED BY:

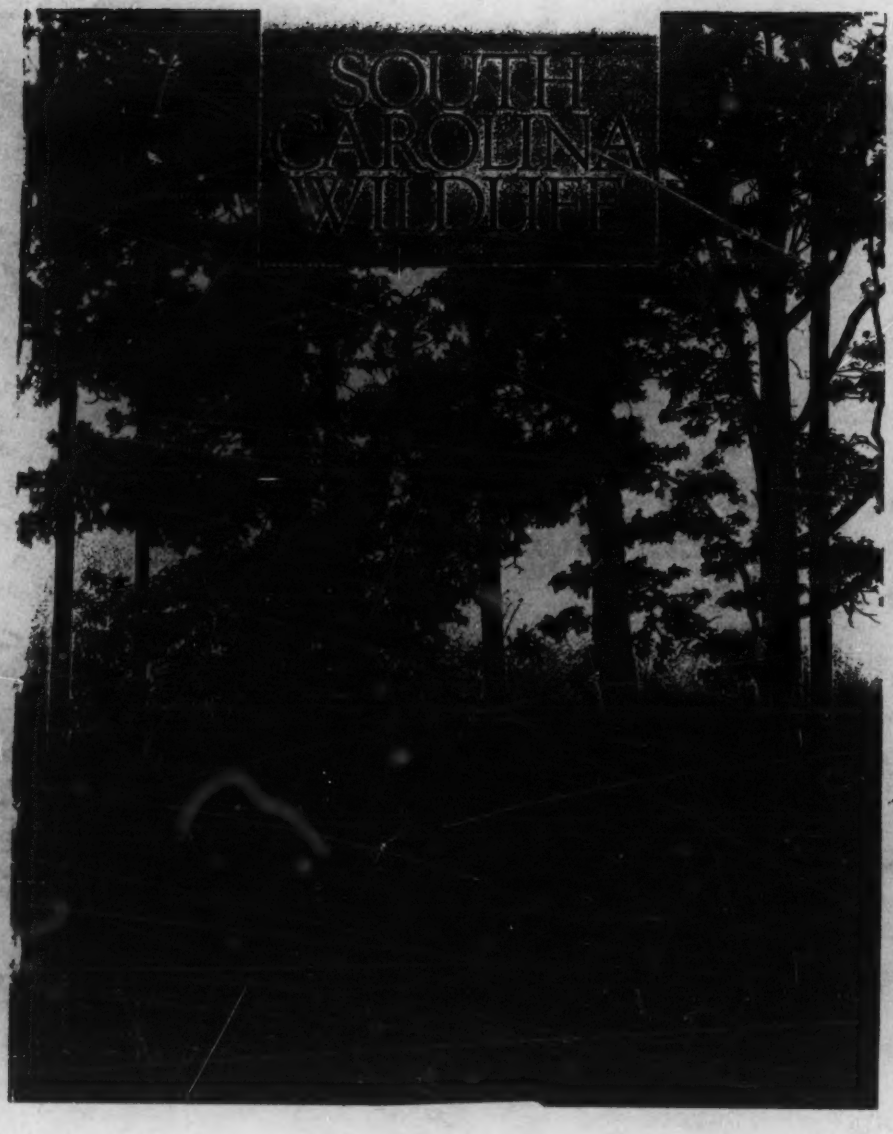
James L. Blum
Assistant Director
for Budget Analysis

"CITIZENS' BOUNDARY PROPOSAL"

FOR

CONGAREE SWAMP NATIONAL MONUMENT




SOUTH
CAROLINA
WILDLIFE

field trip Congaree Swamp National Monument

March-April 1988, Vol. 35, No. 2

Take a real Field Trip! With this issue South Carolina Wildlife introduces a new format for this section. Teachers and parents are encouraged to use it to take youngsters for an actual outdoor experience. Field guides to trees, birds and wildflowers will enhance your visit; try the Peterson, Audubon Society and Golden books.

Silent, yet full of sound. Living things surround you, overwhelm you, in the swamp. Investigate: peek over and under, draw cautiously aside, listen carefully while your eyes follow the sounds, stand still and let the living creatures come to you. Quietly and with senses alert, enter Congaree Swamp National Monument, and nature will unveil her secrets.

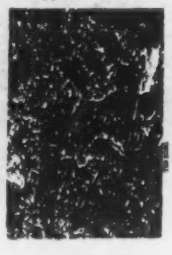
1 Begin near the parking lot at the wooden sign that has a map of the area showing all the trails with their lengths. The park covers 15,000 acres, and it would be very easy to get lost, so it is imperative that visitors stay on the marked trails. Picking or otherwise disturbing the plants and animals in the park is prohibited.

Our Field Trip will take us down the main road, which has the greatest variety of plants, through the yellow gate and along the Weston Lake Trail. It is a 1¼-mile loop that can be covered in about two hours.

As we stand at the sign and face the parking lot, to our right is the bluff line, the high ground of the park, running along the northern edge of the area. To our left, beyond the yellow gate, is the floodplain. The water rises an average of ten times a year, sometimes to a depth of two to three feet, and stays up from three days to a month.

2 The first stop is at the large tree to the left of the gate, a loblolly pine. (That's an Indian word meaning "feet in the water.") By Congaree standards it is a baby, only about 140 years old. A loblolly is known by the deep creases in its bark and three long needles in each clump. This huge tree and its kin have earned the nickname "Redwoods of the East." Look at the sap which has oozed out of wounds in the tree's bark; like scabs the sap hardens as the wounds heal, sealing the bark against disease.

Loblolly pine.



Step through the gate and begin the walk down the road,

Switch cane.

observing the living things that surround you. The best wildflower times to visit the park are fall and spring. (Winter is also good, but summer means insects, including mosquitoes.) Some examples of what you may see: jack-in-the-pulpit with its little man or three leaves and berries; switch cane, resembling bamboo and sometimes growing several feet tall; cat or green brier, called Confederate barbed wire; sweet gum trees whose leaves have five finger: like your hand, (the pioneers had no bubble gum so they mixed sweet gum sap with cornmeal and chewed that); winged sumac, whose flowers can be steeped to make pink lemonade; pokeweed or poke salad, with greens that must be boiled three times to take out their poison, (most preserved letters from Confederate soldiers were written with poke berry ink); spider webs along the way, most made by orb weavers and made up of two different types of "silk," one sticky and one (at the edges) not; the fall webworm's thick network enclosing its food, a tree's leaves; different varieties of butterflies—the red admiral, red-spotted purple which is really blue with orange spots, and zebra swallowtail (a little bit of saliva on your outstretched finger may entice one to light); and many small plants like St. John's wort, meadow beauties, trumpet creeper which the hummingbirds love, Virginia creeper and resurrection ferns.

Watch for "poisonous bat spit" on stems of plants, actually a harmless substance excreted by spittle bugs, the same kind that wreak havoc in lawns. Closely watch the ground along the road and you might spy a flashy green tiger beetle stalking its prey or the velvety red and black wingless wasp called a cow killer ant because of its vicious sting.

You are walking through relatively undisturbed, old-growth forest, the most significant of its type in the Southeast. On June 30, 1983, this was established as an international biosphere reserve.

3 Walk on and notice the plantain, a broad-leafed plant, growing down the road's middle. It is the same kind that grows in your back yard. The juices from this plant can ease the itch in a mosquito bite.

Along the road you'll see large dead trees. In most other places such trees would be cut down, but in a national park they are preserved. While standing, they are used by some of the seven major species of woodpeckers found in the swamp, and when the trees finally fall they decompose to become fertilizer for other growing things.

Walk until the road dissects a large fallen loblolly. The tree has been cut, and if you look at the portion that lies to the right of the road you can get a good idea of its age when it fell. To determine its age in years, count the number of rings and see if you come up with 120.

At places along the road lie parts of logs and large chunks of bark. Turn over one or more of these and look at what lives beneath. You'll probably see different kinds of beetles, fat worms, insect grubs, sometimes a snake, so be careful, a white filament that is the root system of mushrooms, and a white gob called slime mold (there is a question as to whether this is plant or animal, because of its method of movement, like an animal's, and its reproduction, like a plant's).

Before moving on, put the log or bark back the way it was.

Lofty pines with Spanish-moss bunting shade Congaree's main road. The park is home to seven species of woodpeckers, including the yellow-shafted flicker.

4 On many of the trees along the road grows a vine you should avoid. It is the only vine with a beard in the swamp. A clue to its identity is the number of its leaves: three. "Leaves of three, let it be." This is poison ivy, and it's all over the park. Watch for its bristly roots (the "beard") that cling to the bark of the tree it is climbing. Conversely, "leaves of five, let it thrive." If a vine has five leaves, it is probably not harmful.

Walk until you reach an area with several dead pines, probably victims of the pine beetle. The variety of vegetation in the swamp acts as a buffer to such destructive pests and has helped to preserve the plant specimens present; it's harder for disease to get hold and spread.

Poison ivy, sapsucker holes.

Cypress and tupelo gum trees reflect on the surface of Water Moccasin Alley.

5 When you reach the wooden bridge you are in the heart of Water Moccasin Alley. Stand on the bridge and look below. You may see careening whirligig beetles, water striders tiptoeing on the pool's surface, and fishing spiders, frogs and fish in the brown water, stained by the tannic acid from decomposing vegetation. The trees with trunks that broaden as they near the ground are of two types, bald cypress (with needles) and tupelo or black gum (with regular leaves). Note the line around the trunks, brown below and grey above; this shows how far the water often rises. The knobby roots of the cypress jut up from the water and are called knees.

6 Turn left off the main road at the sign pointing toward Weston Lake. Just before reaching the footbridge, you'll see a large, forked ash tree on the right. Observe the small holes that look as though they've been neatly drilled in rows. Actually they have been, but by a bird carpenter, the yellow-bellied sapsucker. The bird pecks the holes, then returns to feed on the sap that has risen to the surface to try to "heal" the wounds made by the sapsucker. Also see what else is on the tree: that bearded vine, the poison ivy, along with a good bit of moss.

Turn and look back toward the road. You'll see a woodpecker apartment complex in a giant snag.

7 In the water beneath the footbridge, look for crayfish and frogs. From the bridge you can see slender trees whose trunks resemble the sinews in your wrist when you clench your fist. These trees are called ironwood or musclewood. The leaves resemble those of the elm, but the wood can dull an ax.

Just across the footbridge at the Weston Lake Trail sign make a quick left on a path toward the water. Within a few steps you'll find yourself in a clump of small, smooth-barked trees with large leaves. These are pawpaws, and you're in a pawpaw patch. The fruit of these trees is a favorite of the wild hogs that roam the swamp. You may see evidence of their feeding: sections of moist earth that look as though someone has been hoeing for fishing worms.

Return to the trail and walk to the beginning of the dock, pausing there for a look at the huge poison ivy vine on the holly tree.

8 At the dock's end, look out over Weston Lake, an oxbow formed when the Congaree River changed course; it's now 2½ miles from here. In the lake are turtles, black bass, bream, gar and other fish. Fishing is allowed in the swamp, but you must have a South Carolina fishing license. Bird residents like the belted kingfisher, great blue heron and prothonotary warbler are often seen from this dock, also.

Extending out over the lake by the dock is a red maple. This tree has something red on it in all seasons (stems in summer, leaves in fall, twigs and buds in winter, and seeds in spring).

Walk back to the trail, where you'll soon pass the old state champion loblolly pine. Fifteen feet one inch in circumference and 145 feet tall, it has been replaced as champ by another pine discovered growing deep in the swamp. It is taller (160 feet) but not as big around. The park boasts four national champion trees and seventeen state champions.

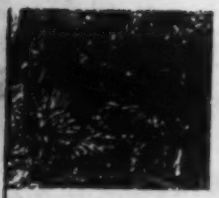
Another low footbridge bears a sign crediting the Youth Conservation Corps with its construction. The YCC also helped build the other wooden walkways.

9 Mount the steps to the boardwalk and turn right to walk to its end at the lake. On your right is a great fallen sweet gum tree. Note its root system, flat as a pancake and typical of all the trees in the swamp except the pines. The roots can weaken and snap like the crack of a rifle, and the tree will topple without their support.

Turn and head back up the boardwalk. Pause at the steps; this is a great place to give an owl call. Is that an echo or an owl answering?

At your left, just past the sign for a pawpaw, is one of the many fallen trees found along the way. New young plants are growing up from it; though it's dead, it's a nursery tree.

Walk farther, and soon the boardwalk jogs around a large pine tree. Notice the strange bulge on its bark. This is a fungal growth



Dwarf palmettos.

caused by disease in the tree, possibly red heart disease. Trees with this malady provide a home for the endangered red-cockaded woodpecker.

Continue on the boardwalk until you come upon an island of palmettos. These are called *Sabal minor*, dwarf palmettos, and are different from the state tree, cabbage palmetto. Here, if you're quiet and extremely lucky, you may spy deer.

Just before you reach the bench, to your right grows a sweet gum with sapsucker holes, rows and rows of them this time.

Stop and rest at the bench — in fact, sit quietly and listen for the sounds of the swamp: frogs, insects and birds. Again, you may see a deer approach cautiously.

10 Up and walking again. When you reach the Spanish moss sign, examine this plant (which is neither Spanish nor moss) that takes its nutrients from the air. Off to your right is a Congaree landmark: all that is left of Fritz Taylor's still, the rusty old boiler. Broken up in 1959, it's a reminder of the days when moonshine was made by many in the swamps.

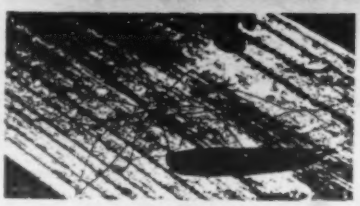
Observe the large slabs of peeled-off bark that fall at the base of dead pines. Brown snakes like to live there.

11 Next is a low area that often has water in it, and in the water dwell red-bellied water snakes.

You've probably noticed several trees that have large holes in them and appear to be hollow. These are often used as dens by squirrels, raccoons and opossums. Animals also den in cavities at the roots. Hollows without spider webs, with bits of hair at their openings or with ground free of leaf litter are sure to be inhabited.

Pause at the sign designating the muscadine grapevine. With their aerial roots, some of these vines grown as big around as your leg.

Weston Lake is crescent-shaped, an oxbow formed when the Congaree River changed course.



Along the boardwalk, a tall fallen pine awaits measurement, and small creatures like this daddy-long-legs invite investigation.

Pace the long dead pine you see lying on the ground to your right to see how tall it was. A man's stride is about three feet long, and this is about fifty paces.

At the roots of the tree you've just paced and opposite the swamp chestnut oak sign is what may be the tallest tree in the park — a loblolly about two hundred feet high.

12 As you walk on, the ground cover seems to change. Water has seeped underground from the bluff line to this area, and it is very boggy; in fact, it is like quicksand. Scientists have dug down and found huge old pines sunken in it.

The thick green plants growing here below the walk are called doghobble or hobble bush. Hunters used to say that bears being chased by dogs would run through these, their thick fur and large strong legs enabling the bears to pass, but the dogs' slim legs would become entangled in the twining stems.

Near the end of the boardwalk you'll see different kinds of ferns, with intriguing names like royal, cinnamon and netted chain.

Back again to where we started, at the sign. You've only sampled the swamp; now you may want to try one of the other longer trails.

Part of the National Park Service system, Congaree Swamp is open daily except Christmas and New Year's day and lies twenty miles southeast of Columbia. Take S.C. 48 about twelve miles to fork; take right fork SR 734 for 4.6 miles to sign. A dirt road leads 9 mile to ranger station. Robert S. McDaniel is Park Superintendent; for more information call the park headquarters at 765-5571.

—Linda Renshaw

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
CHIEF JUSTICE BURGER
RETIRED

June 22, 1988

Dear Senator Thurmond:

As we observe the Bicentennial of the United States Constitution it is especially fitting that we remember the men whose genius and dedication produced the document which has become the bedrock of our system of democratic government.

A giant among the fifty-five delegates to the convention in Philadelphia, Charles Pinckney of South Carolina was not only one of the youngest members at the age of twenty-nine but also a major contributor to what emerged.

The Senate is considering legislation (S. 2058) which you have cosponsored with Senator Hollings that would authorize the establishment of the Charles Pinckney National Historic Site by accepting the donation of Mr. Pinckney's country home, Snee Farm, for the care and administration of the National Park Service.

Snee Farm is one of the few homes of the signers of the Constitution that have survived to the present time. The leaders and citizens of the state of South Carolina are to be commended for their effort to preserve this historic site by private subscription. I hope their goal will be reached so that Pinckney's home can remain a visible reminder of the great legacy of freedom bequeathed by Charles Pinckney to every American citizen.

Cordially,

Warren E. Burger

The Honorable Strom Thurmond
United States Senate
Russell Senate Office Building
Room 218
Washington, DC 20510-4001

State of South Carolina

Office of the Governor

CARROLL A. CAMPBELL, JR.
GOVERNOR

POST OFFICE BOX 11369
COLUMBIA 29211

June 23, 1988

Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to you in support of S. 2058, to authorize the establishment of the Charles Pinckney National Historic Site in South Carolina. As you know, this legislation and its companion measure, H.R. 3960 which passed the House earlier this week, is sponsored by the entire Congressional Delegation of South Carolina. The acquisition of Snee Farm, the historic home of Charles C. Pinckney, co-author and signer of the Constitution, is vitally important to the historic and cultural preservation of South Carolina.

In December of 1987, I requested the South Carolina Department of Parks, Recreation and Tourism and the South Carolina Department of Wildlife and Marine Resources to participate in funding the acquisition of Snee Farm. Subsequently, the Parks, Recreation and Tourism Commission dedicated $200,000 from the Recreation Land Trust Fund to apply towards the $2,000,000 purchase price of the historic property. The Wildlife Department also honored my request by approving a $100,000 grant for Snee Farm from its Heritage Trust Fund. Further, an additional $100,000 appropriation is pending in the Supplemental Appropriations Bill in our State Legislature earmarked for this project.

I hope that the impressive fundraising efforts by state agencies and the private sector will demonstrate the commitment of our state and her citizens to the preservation of Snee Farm, and will convince the Subcommittee of the vital importance of S. 2058. The fact is, this

purchase is a once-in-a-lifetime opportunity for the State of South Carolina to retain an invaluable historical treasure.

I would appreciate your support for quick passage of this legislation, which will provide permanent protection and management by the National Park Service for Snee Farm as a national historic landmark.

Sincerely,

Carroll A. Campbell, Jr.
Governor

cc: S.C. Congressional Delegation
Mrs. Ernest F. Hollings
Mrs. James B. Edwards
Mr. Robert McNair
Mr. William McG. Morrison

LEG. COUNCIL
OF S. C.
FILES

(Furnish Original Attached to This, with Six Carbon Copies Loose)

S 275

SENATE RESOLUTION

By Mr. Martschink, S. Applegate, B. Branton, J. Bryan, J. Courson, R. Dennis, W. Doar, J. Drummond, H. Fielding, T. Garrison, W. Giese, J. Hayes, C. Hinson, D. Holland, J. Land, H. Leatherman, W. Lee, P. Leventis, J. Lindsay, J. Long, I. Lourie, A. Macaulay, J. Martin, J. Matthews, G. McConnell, F. McGill, P. McLeod, T. Mitchell, T. Moore, K. Patterson, H. Peeler, T. Pope, C. Powell, J. Russell, E. Saleeby, N. Setzler, R. Shealy, Horace C. Smith, J. Verne Smith, Nell W. Smith, Thomas E. Smith, Jr., S. Stilwell, D. Thomas, J. Waddell, M. Williams, J. Wilson

IN THE SENATE

	DATE	ORDERED
Introduced	MAY 31 1988	ADOPTED
Considered		
"		
"		

ADOPTED

By Order of the Senate

Clerk

4463J

A SENATE RESOLUTION

URGING CONGRESS, THE SECRETARY OF THE INTERIOR, AND THE DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE TO TAKE APPROPRIATE ACTION TO INCLUDE SNEE FARM IN CHARLESTON COUNTY, SOUTH CAROLINA--THE HOME OF CHARLES PINCKNEY, ONE OF AMERICA'S GREATEST PATRIOTS AND STATESMEN--IN THE NATIONAL PARKS SYSTEM OF THE NATIONAL PARK SERVICE.

Whereas, beautiful Snee Farm in Charleston County, South Carolina, was the home of Charles Pinckney; and

Whereas, according to the Dictionary of American Biography, Charles Pinckney, who lived from 1757 to 1824, was the author of the "Pinckney draught" of the federal Constitution, Governor of South Carolina, United States Senator, and minister to Spain; and

Whereas, besides submitting a plan for a constitution to the Federal Convention of 1787, he was a member of the committee that prepared the rules of procedure, and he participated frequently and effectively in the debates throughout the convention; and

Whereas, it has been possible to show that the "Pinckney draught" contained at least "thirty-one or thirty-two provisions" that were finally accepted for the Constitution of the United States; and

Whereas, his stature as a great South Carolinian and great American patriot and statesman is unquestioned as well as immeasurable; and

Whereas, it would be truly fitting and highly beneficial to the residents of South Carolina and the innumerable visitors annually from across North America to the City of Charleston and the Lowcountry region of South Carolina to include Pinckney's home in our country's national parks system administered by the National Park Service. Now, therefore,

Be it resolved by the Senate:

That the Senate of the State of South Carolina, by this resolution, urges Congress, the Secretary of the Interior, and the Department of the Interior, National Park Service to take appropriate action to include Snee Farm in Charleston County, South Carolina--the home of Charles Pinckney, one of America's greatest patriots and statesmen--in the national parks system of the National Park Service.

Be it further resolved that a copy of this resolution be forwarded to the Vice President of the United States as President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the Director of the National Park Service of the United States Department of the Interior, and each member of South Carolina's congressional delegation, all at Washington, D. C.

H. 4322.
Introduced by Representatives Foxworth Holt, Whipper, J. Bradley, Washington, Winstead, Aydlette, D. Martin, Dangerfield, Kohn and Mappus.

A CONCURRENT RESOLUTION

TO EXPRESS THE SUPPORT OF THE GENERAL ASSEMBLY FOR HOUSE BILL 3960 INTRODUCED IN THE UNITED STATES CONGRESS BY CONGRESSMAN ARTHUR RAVENEL, JR., WHICH DIRECTS THE UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE TO ASSUME RESPONSIBILITY FOR AND PROTECT THE COUNTRY HOME OF CHARLES PINCKNEY, DISTINGUISHED SOUTH CAROLINA POLITICAL LEADER AND DIPLOMAT, LOCATED IN SNEE FARM IN CHARLESTON COUNTY.

WHEREAS, Charles Pinckney is considered by historians to be a founding father, political leader, and distinguished diplomat of this country whose proposals for a new government called the Pinckney Plan were largely incorporated into the federal Constitution prepared in 1787; and

WHEREAS, as a South Carolina delegate to the Constitutional Convention at Philadelphia, he served as a member of the procedures committee and participated frequently in debates; and

WHEREAS, he is best remembered, however, for the detailed plan of government that he submitted to the convention. Although the original draft of the Pinckney Plan was not preserved, it is known to have contained thirty-one or thirty-two provisions that were incorporated into the new Constitution. Charles Pinckney probably had as large a share in determining the style, form, and content of the document as any one individual; and

WHEREAS, after returning home to South Carolina from the convention, he actively supported ratification and was instrumental in South Carolina's ratification of the Constitution on May 23, 1788; and

WHEREAS, Charles Pinckney's home in Snee Farm in Charleston County was built in the Jefferson tradition and is in need of protection by the National Park Service so that history may be preserved; and

WHEREAS, Charles Pinckney was a distinguished South Carolina political leader and diplomat who contributed greatly to the preparation and ratification of the United States Constitution.

NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives, the Senate concurring:

THAT the members of the General Assembly express their support for House Bill 3960 introduced in the United States Congress by Congressman Arthur Ravenel, Jr., which directs the United States Department of the Interior, National Park Service to assume responsibility for and protect the country home of Charles Pinckney, distinguished South Carolina political leader and diplomat, located in Snee Farm in Charleston County.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the South Carolina Congressional Delegation.

State of South Carolina
In the House of Representatives
Columbia, South Carolina
June 1, 1988

We hereby certify that the foregoing is a true and correct copy of a resolution passed in the House of Representatives and concurred in by the Senate.

Robert J. Sheheen
Speaker

Lois T. Shealy
Clerk of the House

PAUL SIMON
ILLINOIS

FTC

COMMITTEES
LABOR AND HUMAN RESOURCES
JUDICIARY
FOREIGN RELATIONS
BUDGET

United States Senate
WASHINGTON, DC 20510

U.S. Senator Paul Simon

Mississippi River National Heritage Corridor Act

Testimony Before the Subcommittee on Public Lands, National Parks and Forests.

Committee on Energy and Natural Resources

June 23, 1988

Mr. Chairman, I want to thank you for this opportunity to present testimony before you and the Subcommittee on Public Lands, National Parks and Forests, on behalf of S. 1643, a bill to establish the Mississippi River National Heritage Corridor.

I am gratified that all ten of the Mississippi River states has either one or both of its senators cosponsoring this bill. I am particularly pleased that the President Pro Tem, Senator Stennis, is an original cosponsor.

This bill is the product of the deliberations and recommendations of the ten member states of the Mississippi River Parkway Commission. The Commission and I believe that the time has come to establish a better, more comprehensive means for coordinating the various concerns of the Mississippi River states. In so doing we have looked to the precedent set by Congress in establishing The Blackstone River Heritage Corridor and the Illinois-Michigan Canal Heritage Corridor.

No waterway has played so significant a role in our nation's development as has the Mississippi River. Just to mention those names from our national history brings to mind the importance of this river to both the creation and growth of the United States: Marquette and Joliet, La Salle, Lewis and Clark, John J. Astor, Samuel Clemens. These names are symbolic of the exploration, economic development and cultural contributions of the Mississippi.

There is no single source to collect or disseminate information on the multiple uses and opportunities in the Mississippi Valley. By establishing the corridor we will provide for the coordination of recreational, cultural, environmental and commercial activities.

This bill also reflects the many years of cooperation and dialogue that began shortly after World War II with the

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8787 State St.
Suite 212
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618/398-7707

250 West Cherry
Room 115-B
Carbondale, IL 62901
618/457-3653

founding of the "Great River Road." That initiative began at the state level. From the Great River Road to the creation of the Mississippi River Parkway Commission to today's bill to create a Heritage Corridor, Congress will again respond to the ten concerned states by providing for a more organized, state controlled mechanism to address both the potential and the problems shared by them.

Mr. Chairman you are a cosponsor of this bill. I am pleased to be a cosponsor of your bill, the Lower Mississippi River Delta Development Act, S.2246, which clearly compliments the bill I have introduced. There is a need to provide for economic development on the lower Mississippi. I am all too familiar with the problems of the 16 counties in Illinois that will participate in the Development Act. I represented the majority of these counties while I served in the House of Representitives as well in the Senate. You have targeted a region that is among the poorest in the country.

The Heritage Corridor bill complements the Development Act by including the seven states participating in the Development Act along with the other three states bordering the Mississippi and provides all of these states with a means of consolidating their interests and concerns in cooperation with the National Park Service and the Department of Interior in areas such as tourism, parks, wildlife conservation, cultural and historic enhancement. All of this is, of course, another aspect of development.

As the Subcommittee proceeds with its work on this bill, I will be pleased to work with the Subcommittee on any improvements you may deem advisable. It is my hope, however, that the Subcommittee will resist the creation of a study commission instead of the authoritative body outlined in this bill. The Corridor, as proposed, fulfills a need and will be of service to all levels of government. It is a device through which these 10 states and the nation can look anew at the Mississippi River and rediscover this national treasure.

TESTIMONY BY CONGRESSMAN JOHN M. SPRATT
SENATE ENERGY AND COMMERCE COMMITTEE
SUPPORTING S. 2058 AND S. 2018
JUNE 23, 1988

I commend this Committee for holding hearings today on both S. 2018, legislation expanding the Congaree Swamp National Monument and S. 2058 to establish the home of Charles Pinckney as a historic monument. Both of these bills are important to South Carolina and the nation and I urge their speedy approval.

S. 2018 would expand the existing boundaries of the Congaree Swamp Monument thereby protecting the Monument while saving additional areas in need of preservation. The Monument was established in South Carolina in 1976 to protect the unique and rapidly disappearing southern bottomland hardwood forest. The existing Monument area contains both a variety of endangered species as well as extraordinary examples of ancient trees. In 1983, Congaree became the first area in South Carolina to be included in UNESCO's Biosphere Reserve and it has been nominated for recognition as a World Heritage Site.

The reason S. 2018 is needed is that the existing Monument boundaries are not suitable for resource protection, scenic integrity or management. According to a November, 1987 National Park Service report, the Monument in its existing boundaries "is operationally submarginal." The present configuration contains numerous gaps and it omits valuable adjacent areas which are now in danger of being purchased by lumber companies. Congress itself recognized the difficulties with Congaree's existing boundaries when it originally established the Monument by authorizing the study of adjacent areas which should be included at a later date. By authorizing the purchase of up to an additional 7,000 acres in the immediate vicinity, S. 2018 would remedy the problems by creating a more suitable boundary area.

S. 2018 and its companion House bill, H.R. 4027 are being unanimously supported by the South Carolina delegation in the House and Senate. Although S. 2018 would cost the Treasury no money, its passage would represent an important positive step forward in the preservation of this great national resource. It is my understanding that the House Interior Committee intends to wait for the Senate to act before approving the House bill. Given the limited number of legislative days remaining in this Congress, it is therefore more important than ever to see speedy adoption of S. 2018.

In addition to supporting S. 2018, I also urge swift approval for S. 2058, the Charles Pinckney National Historic Site Act. This measure would authorize the establishment of the Charles Pinckney National Historic Site at Charles Pinckney's home near Charleston, South Carolina.

The bill's purpose is to create a memorial to a genuine patriot. Fifty -five delegates were called to the Convention in Philadelphia. Not all showed up. Forty-two were present on September 17, 1787, and thirty-nine of them voted for approval of the Constitution. Charles Pinckney was one of the small band who were there from start to finish. He not only signed the Constitution as a delegate from South Carolina, but he also helped to draft and shape it. Before the convention began, he drew a plan for a new governmental system called the Pinckney Draft, thirty provisions of which were included in the Constitution.

During the Revolutionary War, Pinckney served as a lieutenant in the Charleston Regiment of Militia and was present at the siege of Charleston. When captured after the fall of Charleston, he, unlike many of his compatriots, refused to accept British "protection" and remained a prisoner until 1781.

In addition to these contributions to the birth of our nation, Mr. Pinckney served as Governor of South Carolina four times, served in the U.S. Senate from 1798 to 1801 and was a member of the House of Representatives from 1819 to 1821. Mr. Pinckney was also one of America's first diplomatic representatives to Spain.

H.R. 2058 is cosponsored and supported by the entire South Carolina delegation because of the outstanding contributions of Charles Pinckney to our nation and the fitting recognition this bill would bestow on him.

FIL

CHAIRMAN
SENATOR SAM M. VADALABENE

EXECUTIVE SECRETARY
GEORGE ARNOLD

SECRETARY
MERVIN MONTGOMERY

STATE OF ILLINOIS
MISSISSIPPI RIVER PARKWAY ADVISORY COUNCIL
ROOM 121 - CAPITOL BUILDING
SPRINGFIELD, ILLINOIS 62706
TELEPHONE: AREA CODE 217 782-5247

TESTIMONY OF SENATOR SAM VADALABENE
BEFORE THE PUBLIC LANDS, NATIONAL PARKS
AND FOREST SUBCOMMITTEE ON SENATE BILL 1643

Mr. Chairman and Members of the Subcommittee; I wish to thank you and the members of the committee for the opportunity to testify in support of S 1643.

My name is Sam M. Vadalabene and I reside in Edwardsville, Illinois. I am an Illinois State Senator representing the 56th District, Chairman of the Illinois Mississippi River Parkway Advisory Council, Chairman and a founding member of the Friends of the Mississippi River National Heritage Corridor, a not-for-profit organization representing cities, associations, business and individuals dedicated to the promotion of the economic and recreational potential of a National Heritage Corridor.

As a State Senator, I am vitally concerned about the necessity to maintain a healthy business climate to encourage the growth of existing business and promote the Mississippi River Corridor as an attractive place for new business and recreational areas to establish themselves, yet assuring that the natural areas remain protected.

The commerce to the cities, towns and villages along the river would benefit from increased tourist activity and a heightened awareness of the role the river played in the establishment of the communities.

I see no reason why this project cannot be a success when people of goodwill sit down and reason together on how best to accomodate the goals of both recreation and culture and the goals of commerce and industry. The project is a bold example of cooperation between federal, states, public and the private sectors of our economy. The commission with its broad and varied membership can project and yet safeguard the interests of industry and public land use.

DEPARTMENTAL MEMBERS

Transportation **Gregory W. Baise**, Secretary
Conservation **Mark Frech**, Director
Commerce and Community Affairs **Jay Hedges**, Director
Historic Preservation **Michael Devine**, Director

PUBLIC MEMBERS

Kenneth Stobaugh, Joseph Smith Historic Ctr Nauvoo **Richard Kahne** Illinois Bell Telephone Co. Springfield

TESTIMONY - SENATOR SAM VADALABENE ON S 1643 CONT'D.

Page 2

At my request Illinois Bell's Economic Development Division conducted tourism potential surveys of twenty-two cities and towns along the river. They surveyed over 500 managers or owners of entertainment, motels, restaurants, speciality shops and marinas to determine the number of jobs that could be created if tourism would be increased by 25% through proper promotion of the Mississippi River National Heritage Corridor.

These surveys show that there are approximately 9,731 people presently employed in the hospitality/service industry. Conservatively, there could be approximately 1,694 new jobs created with the passage of Heritage Corridor legislation. This would mean a 17% increase in jobs.

These surveys have been discussed with each community and they understand that the promotion of the corridor falls largely on their shoulders.

We now have the opportunity of designating the Mississippi River National Heritage Corridor, not as a Park in the strictest sense of the definition, but as a lineal corridor that can accommodate public recreation and industrial growth.

I urge this committee to vote in favor of the creation of the Mississippi River National Heritage Corridor. (See Attachment).

SAM M. VADALABENE
Illinois State Senator 56th District
Chairman-Ill. MRPAC.
Co-Pilot District III MRPC
Chairman-Friends of the Mississippi
River National Heritage
Corridor.

TOURISM SURVEY RESULTS

NUMBER OF OWNERS OR MANAGERS SURVEYED BY COMMUNITY:

Galena	68
Illinois Quad Cities	146
Quincy	81
Alton	60
Wood River	32
Granite City	44
Edwardsville	15
Collinsville	47
Cairo, Mounds, Mounds City	20
	513 Total

PRESENT EMPLOYMENT; ENTERTAINMENT, LODGING, RESTAURANT, SPECIALITY SHOPS, AND MARINAS BY COMMUNITY:

Galena	745
Illinois Quad Cities	3,514
Quincy	1,487
Alton	1,195
Wood River	664
Granite City	686
Edwardsville	345
Collinsville	966
Cairo, Mounds, Mounds City	129
	9,731 Total

PROJECTED ADDITIONAL EMPLOYMENT; ENTERTAINMENT, LODGING, RESTAURANT, SPECIALITY SHOPS AND MARINAS BY COMMUNITY:

Galena	74
Illinois Quad Cities	627
Quincy	223
Alton	217
Wood River	120
Granite City	93
Edwardsville	78
Collinsville	184
Cairo, Mounds, Mounds City	78
	1,694 Total

PROJECTED EMPLOYMENT INCREASE BY COMMUNITY:

Galena	10%
Illinois Quad Cities	16%
Quincy	15%
Alton	18%
Wood River	18%
Granite City	13%
Edwardsville	22%
Collinsville	19%
Cairo, Mounds, Mounds City	60%

State of South Carolina

Office of the Governor

CARROLL A. CAMPBELL, JR.
GOVERNOR

POST OFFICE BOX 11369
COLUMBIA 29211

June 23, 1988

Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to express my full support for S. 2018, to expand the boundaries of the Congaree Swamp National Monument in South Carolina.

As you know, the Congaree Swamp National Monument was established to preserve a fine example of the vanishing southern bottomland hardwood forest, and it is also the home of many ancient trees and several endangered species. S. 2018 is needed to insure the further protection of this priceless resource. This legislation has been sponsored by our entire congressional delegation and has received widespread support across the State of South Carolina. Moreover, the measure has been endorsed by several conservation organizations.

We appreciate the attention by your subcommittee to this important bill.

Sincerely,

Carroll A. Campbell, Jr.
Governor

Senator BUMPERS. Thank you, Senator Thurmond.
Senator Hollings.

STATEMENT OF HON. ERNEST F. HOLLINGS, U.S. SENATOR FROM SOUTH CAROLINA

Senator HOLLINGS. Thank you very, very much, Mr. Chairman.

We particularly appreciate your leadership and assistance earlier this week in including the money within the Interior appropriations bill, subject of course to your Committee's authorization. And that is what we hope for here this morning.

I ask consent that both of my statements, both on Snee Farm and on the Congaree National Swamp, be included.

Senator BUMPERS. Without objection.

Senator HOLLINGS. And then only say a word, to save the Committee's time, because my distinguished senior colleague has set it out in very meaningful detail.

On the Congaree national monument, it is one of the oldest surviving southern bottom, hardwood bottom land, hardwood forest tracts. Actually, Stew Udall when he was Secretary of Interior back in 1961 started searching because we did not have any park or monument in the State of South Carolina.

He said, Interior owns a tenth or 20 percent of the land out in some states, we do not have anything down there. And we found this pristine kind of forest, 200 to 400 year old trees of a hardwood nature, which is about their existence until they turn back in.

And we started on it. Senator Thurmond and I introduced the bill. We got the original 15,000 acres. But we wanted to include it up to around 22,000. We wanted to do it in a studied way, and now Interior completed the study last September.

It took them eight years to do it, and we are now prepared to move forward.

There is one misgiving. I have talked and we have worked it out with the staff, the Cook Lake section is to be excluded and that is the 145 acre Bruner tract. That is the only one in dispute.

And the Interior Department goes along with us on that particular score.

With respect to Snee Farm itself, we are collecting the $2 million and want to turn it over to the Park Service. We have done this in lockstep with the guidance of the Park Service, so we will have it properly presented to them. And we need this kind of authorization here to save one of the last homes of the original framers.

There are only 13 such that could be identified, and this has already been added as an historic—on the national register of historic trusts and what have you. And we did not realize somebody was about to sell and develop and cut it up into condominia.

And so we stopped it on the basis that we would make up the two million bucks. And now we had hoped that the Department of Interior would come in, the Park Service rather would come in, and join with the display down at Fort Moultrie, Fort Sumter, and the Pinckney home, which is in the immediate area. It embellishes and sort of fleshes out the display down there of the Park Service property, all of a very, very historic nature.

90-788 O - 88 - 3

So I appreciate particularly your willingness to help us earlier this week in getting the money. And if we can have it authorized by your Committee, we would appreciate that very, very much.

Mrs. Hollings will testify in a moment in detail about Snee Farm, and I would be glad to try to answer any questions on either issue.

[The prepared statement of Senator Hollings follows:]

STATEMENT OF THE HONORABLE ERNEST F. HOLLINGS

Mr. Chairman, I appreciate this opportunity to speak in strong support of S. 2018, the bipartisan bill which would expand the Congaree Swamp National Monument. This bill would expand the boundary of the Monument from 15,138 acres to 22,200 acres, with the existing lands being designated as wilderness. It would also authorize the development of facilities within the Monument to accommodate the steady increase in tourists to this popular area.

The Congaree Swamp is the largest of the old-growth southern bottomland hardwood forests remaining in the United States. It has been designated a National Natural Landmark and an international Biosphere Reserve. Remarkably, this unique sanctuary remained virtually undisturbed until as recently as 1969. In subsequent years, however, destruction of the forest by timber harvesters began at a rate of some 500 acres annually. Urgent measures were required to prevent the complete loss of this priceless treasure.

Accordingly, in 1976, Senator Thurmond and I sponsored, and Congress passed Public Law 94-545 to protect the existing forest. That law authorized establishment of the "Congaree

Swamp National Monument" within the boundaries of the 15,135-acre "Beidler tract." Trees ranging in age from 200 to 400 years, many of them among the largest known examples of their species, were finally protected from timber harvesting. For example, there are five national record specimens of trees and 17 South Carolina record specimens in this area. Also preserved as a result of PL 94-545 was the nationally endangered red-cockaded woodpecker, which has active colonies within the pine uplands of the Monument.

PL 94-545 also mandated that a general management plan for the Monument be submitted by the Department of Interior. Realizing the complexities involved in managing and protecting a preserve with the irregular boundaries of the original Congaree Swamp National Monument, Interior was instructed to make recommendations for adding additional acreage to the Monument.

The management plan and boundary recommendation were finally submitted in September 1987 -- 8 years late. The report determined that the Monument was "operationally sub-marginal" because of the boundary configuration and the lack of tourist facilities. It is the express purpose of S.2018 to implement the Interior Department's recommendations. However, this bill goes beyond the Interior's report in one important respect: the

National Park Service recommended expanding the monument by only 2,464 acres; S. 2018 expands the Monument to its natural boundaries by acquiring 7,000 acres.

Mr. Chairman, I cannot overemphasize the importance and urgency of this bill. As a result of Interior's eight-year delay in submitting its management plan, many acres have been cut that might have been saved. Fortunately, however, many timber owners have cooperated with the National Park Service's request that they not harvest trees pending expansion of the Monument. These public-spirited owners deserve resolution of their land's status.

The expansion proposed by S. 2018 will be a major step toward protecting the Congaree Swamp ecosystem including the Congaree River, the floodplain north of the river, and the northern bluffs. This is a good bill that has the unanimous support of the South Carolina delegation. This Congress has a profound responsibility to preserve the Congaree Swamp unspoiled for future generations.

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Senator BUMPERS. Senator Hollings, thank you very much.

First of all, I want to assure both of you that both of these bills have my complete support. I get so irritated with the Park Service because they think the Pinckney farm is historically significant, ought to be preserved, as long as you all go out and find the money.

And it seems to me that that is almost a contradiction. But I do not have anything against that, and certainly I admire Peatsy and Bob McNair and the people who are out trying to raise money to preserve something of that nature.

But I want to also say that I do not, as Chairman of this Committee, I do not wear my feelings on my cuff. I can almost promise both of you that we will authorize both of these and the money to accomplish both of them before we leave here, so that your appropriation of $3 million you got—now, that was for acquisition, was it not, Fritz?

Senator HOLLINGS. That is right.

Senator BUMPERS. Incidentally now, there is another request for $2.7 milllion in here for a visitors center and so on.

Senator HOLLINGS. We are not moving on that this year.

Senator BUMPERS. Okay.

Senator HOLLINGS. You and I have had to cut pennies on that appropriation. We would like to have it. It is in the Interior Department study, and that has got to be done.

But the main thing is that the people who have these timber tracts are now saying, we keep hearing from you politicians that hold up, do not cut, hold up, do not cut, we are going to move and put it in the national monument and Interior's property, and then we do not.

And so they are now looking to let contracts and cut the blooming timber. So that is why we are having to move in an emergency fashion this way, with the appropriation even a little bit ahead of your authorization.

Senator BUMPERS. Well, if something happened for some reason that we—I cannot imagine, but if we happened not to authorize it, there will be a CR coming through here of some size later on, probably.

And I would certainly be willing even to remove that language, I feel so strongly about bills like this.

But the other thing I wanted to ask you is, where is the Snee Farm from Charleston?

Senator HOLLINGS. Just before you go on over to those islands, the Mount Pleasant section on the road going down to what we call McLellan Village toward Georgetown, a little north on the left-hand side.

This was the Canadian ambassador's tract out there. And there is a big golf course in one development that he owned, and the original Snee Farm stayed in the family for years on end until just recently of that Pinckney family.

And now we are really finding out from a Pinckney relative in New York and other places right here in Washington--the family, the Pinckney family, is helping us solicit some of that private money. They are very proud of it.

Senator BUMPERS. How much money has been raised so far?

Senator HOLLINGS. A little over $900,000, unless we include that 200 and make it $1.1 million.

Senator BUMPERS. Your wife says over a million. [Laughter.]

Senator HOLLINGS. $1.1 million then.

Senator BUMPERS. She picked some up outside the door as she came in this morning. [Laughter.]

Well, that is a magnificent undertaking.

Senator Thurmond, as you know, the Administration takes an adamant position in opposition to the expansion of the Congaree Swamp. And of course, that is not the first time. They oppose spending any money for acquisition, and that is they do not have any objection to the expansion. They just say the government ought not to be spending any money on it.

Senator THURMOND. That is their general position, but I think there have to be some exceptions and this is certainly one of the exceptions that should be made.

Senator BUMPERS. I could not agree with you more. I have got a few exceptions in here myself. [Laughter.]

Senator THURMOND. We have our distinguished colleague Congressman Spratt here from that particular district, the Congaree Swamp.

Senator BUMPERS. Do you represent the Congaree Swamp?

STATEMENT OF HON. JOHN SPRATT, U.S. REPRESENTATIVE FROM SOUTH CAROLINA

Mr. SPRATT. I do not, Mr. Chairman, but I am adjacent to it and very close by. Floyd Spence represents the district where it is located, and if Floyd were not in the hospital recuperating from a lung transplant, I am sure he would be here and he would be most emphatic in urging you to do the same thing as Senator Thurmond and Senator Hollings have done.

He has been out in front on this matter for some time.

Senator BUMPERS. I have an extensive letter from Floyd on this.

Senator HOLLINGS. Mr. Chairman, I talked to Floyd this morning, by the way. His voice is much stronger. He has, as you know, had a double lung transplant. He is doing fine, and he expresses deep interest in this project and I want to pass that on to you.

Senator BUMPERS. Let me just say—and as I say, I have no questions for you. We have a developing fight in this Subcommittee that is probably going to be the most volatile thing we are going to have to deal with, and that is the expansion of Manassas.

While I would love to see us buy that 556 acres down there, you are talking about $50 to $70 million. So as Chairman of this Subcommittee, I know we are going to have to fight that out.

But frankly, I do not know right now how to resolve it. I would like to have that land, too, and I would like to preserve it.

But that would be more money than we have spent in the last three years for acquisition for parks in the whole United States. So it is just another one of those dilemmas that we face on what we want to do and our ability to pay for it, and they come into conflict.

I have no further questions of the two Senators. And Congressman, we would be delighted if you have a statement. We would be delighted.

Mr. SPRATT. Mr. Chairman, I appreciate that. I do have a statement that I will submit for the record. Anything I would say would be redundant, but if I could just add two points.

I am supporting both bills, 2018 and 2058. It is important that this Committee and the Senate move the Congaree national monument bill because the House is deferring to Mr. Spence. The Committee has indicated that it is awaiting the Senate's action, and if you will take the initiative and move it then I think we can get it moved through the House and passed if there is no objection to it.

The map here shows the reason that we need to move forward with it. This facility right now, the national monument, has been called by the National Park Service in its present configuration operationally submarginal. It is not large enough or shaped such that it is adequate for resource protection or even scenic integrity.

And there are opportunities today and there will be some in the future to buy the contiguous property. The Interior Department needs to have the authority on the books to take advantage of those opportunities.

The number one cash crop in South Carolina is timber. We have an active and large timber industry, and we are proud of our forest products industry. But they are out looking for lands like this, and we need to be in a position where we can round out the boundaries of this property.

So I urge the Committee and commend the Chairman for indicating your intent to move this bill, because it is important and it is needed to complete this significant undertaking.

As for Mr. Pinckney, he was not just a framer of the Constitution, but the handful of men who really shaped the Constitution, surely he was one of them. The significance that he has individually is that he was the youngest, next to youngest member of the Constitutional Convention. He was 29 years, seven months old, I believe, and the youngest member, Richard Spate from North Carolina, took a very minor role.

So he was the youngest, most active member of the convention. There is a controversy over what exactly his role in it was. He later produced the Pinckney plan or a redraft of it for John Quincy Adams in the late 1820's, when he was drafting the journals of the Constitution, and some say that Pinckney overemphasized his importance.

Nevertheless, we know there was a New Jersey plan, a Virginia plan, and a Pinckney plan, and much of it ended up in the Constitution. So he is historically significant.

In addition to that, he was a soldier in the Revolution. He was Governor of South Carolina four times. He served in the United States Senate, and he capped his career by serving a term, a single term in the House of Representatives from 1819 to 1821.

Senator BUMPERS. He was rare, was he not.

Mr. SPRATT. I know the Senate would be interested to know that when the war powers provisions of the Constitution were discussed, he felt that those powers should be reserved exclusively to the Senate. So that is an additional reason for you to give him favorable consideration.

Senator BUMPERS. Now we know we are for the bill, do we not. [Laughter.]

Congressman, thank you very much. And thank you all.

I promise you this will be on our next markup session. We will get this over to the House as quickly as we can, both of these bills.

Senator HOLLINGS. Thank you very much.

Senator BUMPERS. Peatsy.

Mrs. HOLLINGS. Mr. Chairman, I have asked Nancy Thurmond, who is——

Senator THURMOND. Excuse me just a minute.

I have just had information from my staff member that the Administration does support this project. It just does not favor adding quite as much money.

Senator BUMPERS. I am sorry, Strom. I did not get that. You say the Administration favors it, what?

Senator HOLLINGS. This project.

Senator BUMPERS. They favor the Congaree?

Senator HOLLINGS. It is my understanding they favor the Congaree Swamp, but they do not want to add quite as much money.

Senator BUMPERS. Oh, okay. Thank you very much. We will try to get them on record on that at the earliest possible time.

Nancy, welcome to you, too.

STATEMENT OF RITA L. "PEATSY" HOLLINGS, ACCOMPANIED BY NANCY THURMOND

Mrs. HOLLINGS. Mr. Chairman, I have asked Nancy Thurmond to join me because she is living in South Carolina with her family and we hope to involve her in a program to solicit some money from young people.

I have submitted a statement and I would just like to make a few comments.

Senator BUMPERS. Your full statement will be inserted in the record, Peatsy.

Mrs. HOLLINGS. As a former history teacher, I am very impressed with the knowledge of the three gentlemen who testified before. They seemed to know a great deal about Charles Pinckney.

And in answer to your question about the location of Snee Farm, it is about three miles to the north and east of Charleston, separated from the city by the Cooper River. And at one time it was the rural home of Charles Pinckney and consisted of several hundreds of acres of land.

And today the only thing that really remains is the clapboard house that is in good condition and 25 acres. And of this piece of land now that remains, there are efforts to subdivide it and develop it, primarily because it is so close to the city.

It is a very valuable piece of land, and a group of people in Charleston have undertaken to buy it from the developers for a total of $2 million. This is a fair asking price. The developers had put a great deal of money into it and had already begun to survey it, and efforts had been made to lay sewer pipes and water lines.

It is critical, I think, because if someone were to say to you, would you buy Mount Vernon, the home of Thomas Jefferson—I mean, of Washington, or Monticello, or the Lee Mansion in Arlington, you would certainly say yes. And so this is the question that we are asking the people of South Carolina.

And I am moving out now into the national fundraising level to preserve this home of Charles Pinckney. We have raised—in my statement I said that we had raised $900,000. But yesterday we got two significant contributions.

One came in the mail, two one dollar bills from a nine year old child in Mount Pleasant who lives near Snee Farm; and the other, a $200,000 anonymous donation. So we now have raised $1.1 million, and I am confident that we will be able to get the additional $900,000.

We need this legislation, as you know, because we have to turn it over—well, we do not have to, but we would like to turn it over to the Park Service.

And as Fritz indicated to you, we have a wonderful Park Service operation in Charleston, because almost adjacent, several miles from the Charles Pinckney house, is Fort Moultrie. And Fort Moultrie was built to defend Charleston Harbor in the Revolutionary War.

And then Fort Sumter, which is located in Charleston harbor, where the first shots of the great unpleasantness were fired [laughter]. Over 300,000 people visited last year.

And so we have got a really ongoing organization with the Park Service. And with this 25 acres of land, we can really make it into perhaps a constitutional learning center, and where better to do this than in South Carolina?

It is important for us to raise the money, but I think it is equally important for our posterity. So I am pleased to hear that you and your Committee will support this legislation.

[The prepared statement of Mrs. Hollings follows:]

STATEMENT OF MRS. RITA L. "PEATSY" HOLLINGS

Mr. Chairman, I appreciate this opportunity to speak in strong support of S. 2058, the bipartisan bill to authorize establishment of the Charles Pinckney National Historic Site in Charleston, South Carolina. This bill will permit us to preserve Charles Pinckney's unique and historic homestead, built more than two hundred years ago across the Cooper River from Charleston, South Carolina.

Charles Pinckney, who lived from 1757-1824, is a favorite son of South Carolina and a Founding Father of the United States. Not only was he one of the principal drafters of the Constitution, he also served four terms as Governor of South Carolina, and was a member both of the United States Senate and the House of Representatives. From 1801 to 1805, he served as President Jefferson's minister to Spain.

It is a matter of urgent necessity that Charles Pinckney's Charleston homestead, Snee Farm, be preserved, both as a landmark of historic charm and as a living memorial to a man who contributed mightily to the young American Republic.

Today, huge oak and magnolia trees surround the Pinckney home. Yet, just beyond these ancient trees, urban development is inexorably closing in. By any sane and

reasonable calculation, the time has come to draw a line. Suburban Charleston has plenty of subdivisions and plenty of parking lots already. But it has only one Snee Farm. We have a profound responsibility to preserve this treasure for future generations.

Snee Farm is one of only 13 homesteads associated with framers of the Constitution that have not been sacrificed to developers' wrecking balls. Located just outside of Charleston, the 233-year-old house and the surrounding 21 acres of farm land are recognized by the National Park Service as a national historic landmark. Regrettably, however, this recognition is no protection whatsoever against degradation or even outright demolition. Indeed, the tragic fact is that real estate developers are now moving forward with plans to build 41 luxury homes on one-half-acre lots on the Snee Farm site. With good reason, Snee Farm has been designated by the National Park Service as one of the Nation's most threatened landmarks.

To prevent this wanton destruction of our heritage, a broad-based coalition of citizens known as "Friends of Historic Snee Farm" has been mobilized. As I speak, South Carolinians and other concerned American citizens are working to buy this historic property and to give it to America...to place it under the responsibility of the National Park

Service where it can be preserved as the national treasure that it is...forever.

I am proud to serve as the national fund-raising chairperson of "Friends of Historic Snee Farm," with a mandate to raise private funds for acquisition of the property. Citizens from across America as well as dozens of Pinckney descendants have joined forces with the State and local governments of South Carolina to preserve Snee Farm. So far, $900,000 has been raised toward the site's purchase price. I have every confidence that the full sum of $2 million will be raised and that no federal money will be required. Nevertheless, congressional authorization is still required in order for the National Park Service to accept our group's donation of the Snee Farm property. And that is precisely the purpose of S. 2058.

We are all enormously pleased that the Snee Farm bill was approved by voice vote in the House on June 20. Likewise, we are grateful for the unanimous and energetic endorsement of the National Park Service, the entire South Carolina Congressional delegation, the South Carolina State Legislature, the South Carolina Department of Archives and History, the Historic Charleston Foundation, and the National Trust for Historic Preservation.

Mr. Chairman, S. 2058 will allow us to preserve and protect the Pinckney estate. This project is a wonderful example of cooperation between citizens and government on the local, State and national level in an attempt to achieve a worthy goal. Today, we are asking for your support in making this goal a reality. We have a duty to rescue this site -- a duty to ourselves and, most importantly, a duty to future generations.

Thank you Mr. Chairman.

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Senator BUMPERS. Thank you, Peatsy.
Nancy.

STATEMENT OF NANCY THURMOND

Mrs. THURMOND. I would just like to say I am delighted to be here and that we are all working together, and I appreciated Peatsy's comments underscoring the very important factor of preserving this Charles Pinckney historic home site and all of its rich cultural heritage, really for all the children of America.

Senator BUMPERS. Well, I thank you both, and you both have my undying admiration for your tenacity and hard work in trying to raise this money.

And you know, while I wish we had more money here to do things like this with, occasionally in projects like this I think it probably has more meaning when people are asked to contribute to preserve something of this historical significance.

And I feel sure you are going to succeed and succeed admirably, Peatsy and Nancy, in your efforts. Let me just ask you a couple questions.

I take it you have an option to buy this property for two million?

Mrs. HOLLINGS. We have an option to buy the property, and we have to pay the carrying charges for them, which is $12,000 a month. That is the tough part. We really would like to raise this money and we hope to do so by the end of July.

Senator BUMPERS. When you say "carrying charges," are you talking about—are you paying some form of interest on this option?

Mrs. HOLLINGS. Exactly. That is part of the option agreement, that we after the first three months would pick up the interest that they were paying on what moneys that had.

Senator BUMPERS. So the sooner you get your money raised, the sooner you can stop that.

Mrs. HOLLINGS. Exactly, that is right.

Senator BUMPERS. Does the option have an expiration date?

Mrs. HOLLINGS. The end of July.

Senator BUMPERS. The end of this July?

Mrs. HOLLINGS. Yes.

Senator BUMPERS. No terms for renewal?

Mrs. HOLLINGS. There would be some terms for renewal, but we are hoping we do not have to renew it, that we can get the money. You see, our problem is——

Senator BUMPERS. A few more of those $200,000 contributions and you will not have to.

Mrs. HOLLINGS. Right, and that is what we hope. We have gotten wonderful support from our media in South Carolina, particularly in Charleston, in running public service announcements. And we have gotten a lot of small contributions, and the state has helped us, Park, Recreation, and Tourism, because it will be a money maker.

But the Friends of Snee Farm had to really start from scratch. There was no established organization to begin, and so you know, it takes time to get these things, to get a tax ID number, and just to get an organization.

Senator BUMPERS. Peatsy, describe this house for me.

Mrs. HOLLINGS. Well, it is—as I indicated, it is in fairly good condition, both interior and exterior. It is not a plantation type house, one that you would think that Scarlet O'Hara would live in, because obviously it was built long before that period.

It is a small clapboard house with beautiful woodwork inside.

Senator BUMPERS. Who has preserved it all this time?

Mrs. HOLLINGS. A family.

Senator BUMPERS. The Snee family?

Mrs. HOLLINGS. No. The family that lived there was Giles Hollowell. It was the Giles family and Giles Hollowell and his wife Joyce had lived there for a number of years. He was a classmate of mine in college.

But they began a small restaurant, an inn, in the town of Mount Pleasant, and they really needed the money. And it was sold very rapidly, before we even knew about it. I say "we" because we weren't in existence, the Friends of Snee Farm.

But when it was sold to developers, then we knew about it and the group coagulated. And I think we will be successful. I certainly hope so.

Senator BUMPERS. Nobody lives in it now?

Mrs. HOLLINGS. Nobody lives in the house now, no.

Senator BUMPERS. It is just being maintained?

Mrs. HOLLINGS. It is being maintained.

Senator BUMPERS. Well, that family certainly deserves a lot of praise for having the foresight to preserve it and keep it.

Mrs. HOLLINGS. Yes.

Senator BUMPERS. Until we could do something.

Thank you both very much for being with us this morning.

Mrs. HOLLINGS. Thank you very much.

Senator BUMPERS. Our next witness is Jerry Rogers, Associate Director for Cultural Resources of the National Park Service. Mr. Rogers.

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ROBERT McDANIEL, SUPERINTENDENT, CONGAREE SWAMP NATIONAL MONUMENT

Mr. ROGERS. Thank you, Mr. Chairman, members of the Subcommittee.

With your permission, I would like to be joined at the table by Superintendent Robert McDaniel of Congaree Swamp National Monument.

Senator BUMPERS. By all means.

Mr. Rogers, how do you want to proceed? You have got three bills you want to testify on. How are you going to take them?

Mr. ROGERS. As suits the pleasure of the Chairman, but if——

Senator BUMPERS. Well, it is of no matter to me.

Mr. ROGERS. Then I would like to deal with Charles Pinckney National Historic Site, Congaree Swamp, and Mississippi River in that order.

Senator BUMPERS. Fine. Please proceed.

Mr. ROGERS. Mr. Chairman, first I would like to especially thank the Chairman for scheduling these hearings at a time when we know there is an extremely busy session. We know that there are a lot of demands on the Committee's time and it is not easy to deal with issues that come up as emergencies.

With regard to S. 2058, to establish a Charles Pinckney National Historic Site, we support enactment of that legislation if it is amended as we suggest. I do not need to repeat the material that is in my submitted statement because not only is it available to you, but the able witnesses ahead of me have established I think very clearly the importance of Charles Pinckney—the reasons why he is nationally significant.

This house was designated a national historic landmark several years ago, and people were frankly shocked when all of a sudden it seemed to be threatened by not only development, but very intensive development, of the remaining 25 acres of farm land that surrounded it and that gave it its character as a farm house.

The people of South Carolina——

Senator BUMPERS. Mr. Rogers, let me interrupt you just a moment. I was looking through these pictures as you spoke. Is Charles Pinckney buried on this property?

Mr. ROGERS. I do not believe he is, Mr. Chairman.

Senator BUMPERS. Well, Mrs. Hollings is saying no. But I just saw this memorial marker here and I thought maybe it was a tombstone on the property.

Go ahead, Mr. Rogers.

Mr. ROGERS. The marker looks like a tombstone, and what it is in fact is a memorial by Charles Pinckney to his father. It is written in eighteenth century language and script, and with even the artistic styles of the eighteenth century. It is a very moving memorial to his own father.

I have been personally deeply impressed and the National Park Service has been deeply grateful to the citizen movement in South Carolina that sprang up at an instant's notice to defend this threatened national historic landmark, to raise the money, to risk their own money to buy an option to protect the property, when they had no idea that they would be able to raise the full $2 million at that time, and then to engage in a campaign to raise it.

It has been a truly heroic effort to deal with an urgent threat to a nationally significant piece of property.

We recommend that S. 2058 be enacted, but to be amended so that the property is acquired by donation. We are pleased to hear of your strong support for that.

Mr. Chairman, with regard to Congaree Swamp National Monument, S. 2018, the Administration opposes enactment of S. 2018 at this time and requests that Congress take no action until the Administration has had an opportunity to complete the planning process that Congress called for when it authorized this unit of the National Park System in 1976.

The National Park Service is in the final stages of that planning process. We have submitted a draft document for public review and we have revised it according to the input from that public review. Senator Thurmond, Senator Hollings, the Congressman and others

have seen that and know what is in it, but it has not yet been submitted to higher authorities in the Administration for review.

We expect it to be submitted in the very near future. As soon as that process has been completed, the Administration would be prepared to deliver its position on the reasonableness of S. 2018 or some similar legislation.

I would also note that we sense there is some reluctance by sellers who were once willing to part with their properties at fair market value, and we have detected some interest in guarantees of values that might be higher than fair market value.

We would not encourage acceding to that type of a request.

Mr. Chairman, we anticipate that we would be able to take a firmer position after the Administration has had the opportunity to review the plan. Superintendent McDaniel is better able than I to answer questions if you have them on that.

[The prepared statements of Mr. Rogers follow:]

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, PUBLIC LANDS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 2058, A BILL TO ESTABLISH THE CHARLES PINCKNEY NATIONAL HISTORIC SITE IN THE STATE OF SOUTH CAROLINA.

JUNE 23, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 2058, a bill to establish the Charles Pinckney National Historic Site in the State of South Carolina.

Mr. Chairman, we support enactment of S. 2058 if amended as we suggest.

Snee Farm, as Charles Pinckney's home has been traditionally referred to, has both structural integrity and an original location in a remarkably unaltered setting. However, I should hasten to add that the integrity of the setting is threatened with despoilation by developers who are intent on subdividing the estate even as we speak.

But there is a positive side to this story. It is encouraging to witness the sincere dedication of the many citizens of this country who have come to the rescue of Snee Farm in its moment of need. A group of concerned local citizens, headed by South Carolinians whose names would be recognizable to many Americans and some of whom are here today to testify in support of this bill, has come to the forefront to raise the funds necessary to save Snee Farm. When its fate seemed sealed, and preliminary construction begun, the quickly organized volunteer preservation group known as Friends of Snee Farm purchased an option on the property and undertook the daunting task of raising the $2 million necessary to acquire the property from the developer. In just a few months they have raised approximately $1,000,000 to purchase the property in hopes of donating it to the National Park Service. Their efforts have enjoyed bipartisan support from

the entire South Carolina Congressional delegation. We not only support what the Friends are trying to do but extend to them our sincere thanks for their selfless efforts.

Just who was Charles Pinckney and why is it important to have his home in the National Park System? Charles Pinckney was, among other accomplishments, the second youngest delegate to the Constitutional Convention after having served in the Continental Congress and in the State legislature of South Carolina. While his role in the Constitutional Convention has been labeled controversial by some, historians do agree that he ranked among its leaders. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during the debates. He also labored successfully for ratification of the document in his home State of South Carolina in spite of intense opposition. Following his successes related to the Constitution, Pinckney became Governor for two terms and was president of the convention which drew up a new constitution for South Carolina. He later served a third term as Governor and also as U.S. Senator. In 1801 he was rewarded for his role as Thomas Jefferson's campaign manager in South Carolina by being appointed Minister to Spain, at which time he facilitated the negotiation of the Louisiana Purchase. Later he was to serve a fourth term as Governor followed by two terms as a member of the State Assembly before his death in 1824.

During this period of celebration of the Bicentennial of the Constitution it is only fitting that Charles Pinckney's Home should be retained in its current condition for future generations of Americans. It is one of the very few authentic surviving sites associated with a Framer of the Constitution. It should also be noted that the significance of Snee Farm transcends Charles Pinckney and his distinguished family, which included another signer of the Constitution from South Carolina, his second cousin Charles Cotesworth Pinckney.

While perhaps not architecturally unique or breathtakingly palatial, Snee Farm is an excellent representative of 18th century farm house construction. It is perhaps this simplicity and pleasing design that has been the key to its having been maintained remarkably well over the years, as it has served as a desirable permanent residence by its many owners.

We cannot speak of Snee Farm without again gratefully acknowledging the herculean efforts of a small group of concerned citizens who have labored long and hard to raise the monies necessary to save the property. We wish to publicly express our deep and sincere thanks to these people who have chosen to make a strong statement in support of our Nation's heritage. Every American benefits from their generosity and sacrifice.

Mr. Chairman, in speaking about the strong local as well as national support that this effort has engendered, it is appropriate to recommend that no property acquisition authority other than donation be authorized in this instance. Given the size of the federal deficit, it would be both unfair and counterproductive to raise false expectations concerning this Department's ability to swiftly provide sufficient funding to save this valuable resource. Private fundraising efforts will be far quicker and thus more likely to result in public ownership of Snee Farm. We would note, also, that fees would be charged at this area, from which we would expect to recover a portion of the annual costs of operations.

We would offer three minor amendments for the Committee's consideration. Section 2 states that this measure is aimed at protecting and interpreting the home, whereas the home is merely a vehicle for addressing the far more important element, namely Charles Pinckney himself. Secondly, Section 3(a) should authorize acquisition by donation only. Finally, we suggest that Section 3(b) be amended to establish precise boundaries for the

historic site by reference to a map of the property to be donated.

Mr. Chairman, this concludes my prepared statement on S. 2058. I would be pleased to respond to any questions you or other Members of the Committee may have at this time.

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, PUBLIC LANDS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 2018, A BILL TO EXPAND THE BOUNDARIES OF THE CONGAREE SWAMP NATIONAL MONUMENT, TO DESIGNATE WILDERNESS THEREIN, AND FOR OTHER PURPOSES.

JUNE 23, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 2018, a bill to expand the boundaries of Congaree Swamp National Monument, to designate wilderness within the monument, and for other purposes.

Mr. Chairman, we oppose enactment of S. 2018 at this time and request that Congress take no action until the Administration has had an opportunity to complete the planning process which Congress called for when it authorized this unit of the National Park System in 1976.

Congress established the Congaree Swamp National Monument "...to preserve and protect for the education, inspiration, and enjoyment of present and future generations an outstanding example of a near-virgin southern hardwood forest ..." A 15,138-acre tract of land was subsequently acquired from a single owner and today constitutes the monument in its entirety. The Congress, however, recognizing that there were additional resources worthy of professional assessment in the immediate vicinity, directed that the National Park Service examine these resources through the general management planning process and report to the Congress on their suitability for inclusion within the monument for resource protection, scenic integrity, or management and administration. Additionally, the plan was to include the number of visitors and types of public use that could be accommodated within the monument in accordance with the protection of its resources, and the location and estimated cost of facilities deemed necessary to accommodate such visitors and

uses.

The National Park Service is in the final stages of that planning process, having submitted a draft document for public review and revised it according to that input. It is anticipated that the final document will be available for Administration review within the next few months. Our recommendation today is that that process be allowed to run its course.

S. 2018 would expand the boundaries of Congaree Swamp National Monument by some 7,000 acres, designate approximately 15,138 acres of wilderness and potential wilderness within the expanded monument boundaries, and increase the monument's development ceiling to $2,697,750. Certain of these lands perhaps do have merit as they may well provide protection for the resources of the monument, add critical habitat for endangered wildlife, or provide guaranteed access to the monument for both visitors as well as park administrators. However, until the specifics of the planning process are made known to this Administration and are dealt with according to critical requirements of the resource for preservation and interpretation, it would be impossible to test the reasonableness of S. 2018 or any variation thereof. We have heard land acquisition estimates which place the cost of these additional lands somewhere between 10 and 12 million dollars. We also sense that there is a reluctance by once willing sellers to part with their properties absent guarantees of inflated values. We certainly do not subscribe to these attempts. Finally, Mr. Chairman, as we have said on previous occasions, we do not think it fair in these times of fiscal austerity to send false signals to affected landowners that the Federal government will soon knock on their doors with checkbook in hand to pay them for their lands as soon as this measure becomes law. We both know from past experience that that simply will not happen. And to further raise expectations of local residents that passage of this legislation will signal the beginning of extensive development of the monument when those expectations are very

unlikely to be reealized would be unwise.

S. 2018 proposes to add approximately 3,100 acres to the monument along its easternmost end and would propose that they be added to the wilderness acreage, as well. These lands are currently owned by Georgia Pacific and have been harvested to the point that they are not worthy of addition to the monument. We do not believe that Congress intended to enlarge the monument through this planning process simply to include more resources but rather intended to protect what was seen as a core unit which needed enhancement along its margins. The Georgia Pacific lands do not fall into this category but would merely expand the monument to the east. These acres would not add significantly to the area Congress envisioned in 1976.

Mr. Chairman, this concludes my prepared remarks concerning S. 2018. I would be pleased to respond to any questions you or other Members of the Committee may have at this time.

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, PUBLIC LANDS AND FORESTS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES CONCERNING S. 1643, A BILL TO ESTABLISH THE MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR.

JUNE 23, 1988

Mr. Chairman and Members of the Committee, it is a pleasure to be here today to discuss S. 1643, a bill to establish the Mississippi River National Heritage Corridor.

Mr. Chairman, we strongly oppose enactment of S. 1643.

The "Mississippi River National Heritage Corridor Act of 1987", as the measure would be known if enacted, would designate the existing Great River Road as a national heritage corridor. It would also establish the Mississippi River National Heritage Corridor Commission made up of the Director of the National Park Service and 100 other members, 10 from each of the states which borders the Mississippi River. In lieu of payment for their services, members would receive travel and per diem expenses according to 5 USC 5703. The Commission may procure the services of special consultants as well as employees of State, local or Federal agencies on a reimbursable basis. It may use the United States mails in a manner similar to other departments and agencies of the Federal government. The General Services Administration shall provide administrative support services upon request of the Commission.

The purposes of the Commission would be to 1) prepare a plan within two years to include an inventory of resources within the Corridor and assess their preservation, protection, enhancement, enjoyment and utilization; 2) provide assistance to governmental entities and tribes that undertake such activities relating to these resources; 3) serve as a clearinghouse for information related to these activities and resources; 4) cooperate with the

Mississippi River Parkway Commission to assist in the continued development, maintenance, and enhancement of the Great River Road; and 5) submit a biennial report to the governors of each State and to the Secretary of the Interior concerning the Commission's activities for the two year period. There would be authorized to be appropriated to the Commission $500,000 for the fiscal years 1989, 1990 and 1991.

Mr. Chairman, we have serious reservations that this Commission would provide any more meaningful coordination than the Mississippi River Parkway Commission which was established in 1938 and with which this Commission is directed to cooperate. In our view the Commission envisioned in this bill merely overlays in many ways the one established in 1938. We are not convinced that the expenditure of $1.5 million of Federal funds in this fashion would be in the national or even regional interest. We also do not believe any Federal purpose would be served by convertingthe existing Great River Road into a national heritage corridor.

Finally, it would appear from the language of Section 2 that a principal reason for designating the corridor and establishing the Commission is economic stimulation. We do not believe that this is a primary function of the National Park Service nor should it become one. Moreover, those functions of the Commission involving surveys, inventories, and coordination with respect to outdoor recreation and resource conservation can be accomplished under several existing statutory authorities dating from the 1936 Park, Parkway, and Recreation Area Study Act. We, therefore, see no need for additional authority in this regard.

Mr. Chairman, this concludes my prepared remarks concerning S. 1643. I would be pleased to respond to questions you or other Members of the Committee may have at this time.

Senator BUMPERS. Just one question. The anticipated cost of this you say is between $10 and $12 million. We have a slightly different figure from the staff here, $12 to $14 million.

But let me ask you, is the estimated value based mostly on the value of the timber that you are going to be getting on this?

Mr. MCDANIEL. Senator, if I could answer that for you.

Senator BUMPERS. Sure.

Mr. MCDANIEL. When we look at the expansion that is shown in the green, most of the land that is there is about divided equally, cut and uncut. We were looking at it for two values, the value for uncut land and also the land that is cut over.

So the amount is roughly about half and half if you were looking at the total green area that you have there.

Senator BUMPERS. Well, then there is quite a diversity of value between the uncut and the cut.

Mr. MCDANIEL. There certainly is, yes, sir.

Senator BUMPERS. How much difference is there in the two values?

Mr. MCDANIEL. In a guesstimate-type situation, I would say roughly $2,000 an acre. But that is purely guesstimating.

Senator BUMPERS. Okay.

Go ahead, Mr. Rogers.

Mr. ROGERS. Mr. Chairman, with regard to S. 1643, to establish a Mississippi River National Heritage Corridor, the Administration strongly opposes enactment of that legislation, believing that the objective of the legislation can and should be carried out through other means, through existing authorities, and perhaps without so extensive a relationship with the National Park Service.

We also find the proposal to have a commission made up of 101 members, whose travel, per diem, and other costs would be covered by the administering Federal agency, to be higher than we would recommend. It is our recommendation that alternative approaches be applied to achieve the objectives of that legislation.

[Pause.]

Senator BUMPERS. Mr. Rogers, if the economic elements of this bill were removed, would the Park Service have a different feeling about participating in it?

Mr. ROGERS. Mr. Chairman, I think we would. The National Park Service considers it an important part of its mission to promote the preservation and development of historic, scenic, and recreational values around the country.

We are engaged in projects of that type in certain other areas, and we think that we are able to do a certain number of those projects rather well. But ultimately, a major question, of course, is how much does something cost and who pays for it.

Senator BUMPERS. Mr. Rogers, we will probably submit some additional questions to you on all three of these proposals for the record, and we will do that as quickly as possible.

Thank you both for being with us this morning.

Mr. ROGERS. Thank you, Mr. Chairman.

Senator BUMPERS. Our first panel on the Congaree Swamp is: Richard Watkins, Conservation Chair of the South Carolina Chapter of the Sierra Club; Barry Beasley, Coordinator for the State Scenic Rivers Program Commission, South Carolina Water Re-

sources Commission; Bill Lienesch, Director of Federal Activities, National Parks and Conservation Association; and Peter Kirby, Southeast Regional Director of the Wilderness Society.

Gentlemen, welcome to the Committee, and let me suggest, if you will just start the way I have your names on my list.

Mr. Watkins, please proceed.

STATEMENT OF RICHARD WATKINS, CONSERVATION CHAIR, SOUTH CAROLINA CHAPTER, SIERRA CLUB

Mr. WATKINS. Thank you.

I am Richard Watkins, Conservation Chair of the South Carolina Chapter of Sierra Club. Speaking on behalf of our members, we certainly appreciate this opportunity to support S. 2018.

The Congaree Swamp is nationally and internationally significant because it contains the largest remnant of old growth southern bottom land hardwood forest in the country. As authorized in 1976, the monument consists solely of the 15,135 acre Beidler tract.

This tract is the heart of Congaree Swamp, but it alone does not provide a suitable boundary for the monument. The establishing legislation recognizes that additional lands are needed.

The general management plan, to which Mr. Spratt referred a few moments ago in his comments, describes the monument as operationally submarginal, partially because of boundary considerations.

A cross-section of the Congaree River ecosystem includes the river, the flood plain on both sides of the river, and the bluffs on both sides of the river which confine the flood plain.

Rather than boundary expansion from the southern bluffs to the northern bluffs, S. 2018 expands the boundary by 7,000 acres north of the river. This 7,000 acre expansion is very reasonable in terms of today's situations, conditions, from the standpoint of political considerations locally, as well as budgetary constraints.

Although the boundary proposal in the legislation does not address lands south of the river, estate and private landowner initiatives are being considered to protect some of the significant Congaree lands south of the river.

Monument expansion has proceeded with emphasis on working with landowners, hoping to avoid misunderstandings, polarization, controversy. We have tried to identify mutually agreeable paths forward to expand the monument's boundary, while being responsive to owners' perspectives.

We believe these efforts have been successful. We might point out, the Park Service has also been integrally involved in communicating with land owners to explain the expansion process.

The citizens boundary proposal in S. 2018 is based on input from many sources, especially state and federal agencies. This boundary proposal is designed to minimize controversy by adding only lands north of the river. The proposal has been well received in South Carolina. We have heard this morning from various folks talking about the extent of support for the boundary expansion.

We are certainly disappointed to hear the comments by the Park Service this morning. We would point out that the professionals,

who are certainly the most familiar with the resources of the Congaree Swamp, have had considerable time studying the area.

The fact that it has not passed the final review here in Washington we think is not especially relevant in terms of the recommendation to be expected from the Park Service. There are differences at this point between the Park Service proposal and the boundary in S. 2018, with most of those differences being lands between the monument's eastern boundary and the railroad.

In our detailed comments which we will provide this morning, the written comments, we explain why we believe these lands between the eastern boundary and the railroad should be included. We have a seller who does not oppose parting with these lands.

In reference to the earlier statements regarding the Bruner property, the Cooks Lake property as it is sometimes called, we certainly recognize the views of South Carolina Senators, but we would simply ask that the Subcommittee please at least consider the information that we are providing in our detailed written comments regarding that property.

I might point out one detail for your consideration. Title III of S. 2018 includes $2.7 million for construction and development funding. In the as yet unreleased final version of the Park Service's general management plan, you will find that that figure has been increased to $3 million. so we would suggest that Title III in this bill reflect this later figure.

Thank you very much for your consideration, and we are certainly pleased to hear of your support.

[The prepared statement of Mr. Watkins follows:]

SIERRA CLUB South Carolina Chapter

To explore, enjoy and preserve the nation's forests, waters, wildlife and wilderness

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Statement of the Sierra Club

before the Senate Subcommittee on Public Lands, National Parks and Forests

June 23, 1988

Washington, D.C.

RE: S.2018 -- Congaree Swamp National Monument Expansion and Wilderness Act

I am Richard Watkins, Conservation Chair of the South Carolina Chapter of Sierra Club. Speaking on behalf of our members, we appreciate this opportunity to support S.2018.

Congaree Swamp is nationally and internationally-significant because it contains the largest remnant of old-growth southern bottomland hardwood forest in the country. As authorized by Congress in 1976, Congaree Swamp National Monument consists solely of the 15,135-acre Beidler tract. Although this tract is the heart of Congaree Swamp, it alone does not provide a suitable boundary for the monument. The establishing legislation recognizes that additional lands are needed -- for resource protection, scenic integrity, management and administration of the monument. The recent General Management Plan describes the monument as "operationally sub-marginal", partially because of boundary deficiencies.

A cross-section of the Congaree River ecosystem includes the river, the floodplain on both sides of the river, and the bluffs which confine the floodplain. Optimally, Congaree Swamp National Monument should have ecological boundaries which extend from the high bluffs south of the river to the low bluffs north of the river. This involves boundary expansion of 11,000-12,000 acres.

Rather than boundary expansion bluff-to-bluff, S.2018 expands the boundary by 7,000 acres north of the river. This 7,000-acre expansion is a very reasonable action in 1988, both in responding to local political considerations and in recognizing budgetary constraints. Meanwhile, state and private (landowner) initiatives are being considered to protect some of the significant Congaree lands south of the river.

Monument expansion has proceeded with emphasis on establishing and maintaining dialogue with landowners, thereby seeking to avoid misunderstandings and polarization. Working with some landowners, Sierra Club has tried to identify mutually-agreeable paths forward to expand the monument's authorized boundary while being responsive to owners' perspectives. Similarly, the Park Service has talked with landowners. We believe these efforts have been important and successful.

The Citizens' Boundary Proposal in S.2018 is based on input from many sources, especially state and federal agencies. It has been well-received in South Carolina. Of 589 responses to the Park Service's draft General Management Plan, 577 support the Citizens' Boundary Proposal. Supporters include Richland County Council, three state agencies, various environmental organizations, and Gov. Carroll Campbell. We are delighted the entire South Carolina congressional delegation is sponsoring legislation to authorize this boundary.

Despite Sen. Thurmond's encouragement, the National Park Service has not endorsed the Citizens' Proposal in S.2018. After considering expansion of more than 11,000 acres during 1986, the Park Service's initial boundary expansion proposal of 2,464 acres (Nov. 1987) was recently revised to 3,900 acres by adding lands which are part of the Citizens' Proposal.

Most of the remaining difference between S.2018 and the revised Park Service proposal is Georgia-Pacific land between the monument's eastern boundary and the railroad. As we explain in detailed written comments about the eastern boundary, these lands belong in the monument, and Georgia-Pacific does not oppose selling them.

The 145-acre Cook's Lake tract, along the monument's western boundary, has become a subject of unexpected attention. We ask the Subcommittee and the South Carolina senators to consider our detailed written comments about the Cook's Lake tract.

Regarding Title III of S.2018, we suggest revising construction and development funding from $2.7 million to $3.0 million, as indicated in the revised General Management Plan.

Regarding wilderness and potential wilderness, several refinements to the wilderness map of S.2018 are suggested in our detailed written comments.

We are grateful to the South Carolina delegation for sponsoring S.2018 and H.R.4027, and to the Subcommittee for scheduling this hearing. In the interests of Congaree Swamp National Monument, we urge the Subcommittee to approve S.2018. Thank you for your consideration.

Senator BUMPERS. Thank you very much.
Mr. BEASLEY.

STATEMENT OF BARRY R. BEASLEY, COORDINATOR FOR STATE SCENIC RIVERS PROGRAM COMMISSION, SOUTH CAROLINA WATER RESOURCES COMMISSION

Mr. BEASLEY. Thank you, Chairman Bumpers. My name is Barry Beasley. I am employed by the South Carolina Water Resources Commission as Coordinator of the South Carolina Scenic Rivers Program.

I am here to speak in support of the legislation, S. 2018, introduced by Senator Strom Thurmond and co-sponsored by Senator Ernest Hollings, which would expand the current boundaries of the Congaree Swamp national monument. However, today my remarks represent the positions of two other natural resource agencies in South Carolina: the Wildlife and Marine Resources Department and the Department of Parks, Recreation, and Tourism, and my own agency.

I have written comments to submit by each of these three agencies supporting S. 2018.

The Governor of South Carolina, Governor Carroll Campbell, has also submitted written comments supporting the legislation.

The Congaree Swamp national monument contains an old growth bottom land hardwood forest that has occupied the flood plain for centuries. When walking under the towering hardwood canopy of this forest, one can see the timeless nature of the dense forest.

The value of this significant natural resource has been documented in a variety of sources. It is the first South Carolina site included in UNESCO's international network of biosphere reserves, and it is a national natural landmark.

The South Carolina agencies which I represent here today want to see the Congaree Swamp adequately protected, and we all agree that protection of the Congaree Swamp is dependent upon the protection of the entire ecosystem.

This legislation presents an opportunity to reach this goal by expanding the current park boundaries through the addition of 7,000 acres. This will provide for better protection of the swamp system, facilitate comprehensive management, and facilitate a greater variety of recreational opportunities.

The Congaree Swamp must have an adequate buffer to protect its ecologically significant natural systems. The National Park Service recommended an expansion of 2,464 acres in its general management plan for the Congaree Swamp. This expansion was increased to 3,900 acres in the final plan approval recently released.

While we support the efforts of the Park Service to expand the monument's boundaries, the acreage recommended by the service is not sufficient to allow the level of protection the Congaree Swamp requires. The 7,000 acre expansion proposed in S. 2018 will more adequately protect the ecosystem's functions.

The boundary expansion proposed by the Park Service, though significant, does not address obtaining as much of the adjacent

flood plain as is needed or providing a buffer that is not old growth forest.

As pointed out in the Wildlife Department comments, most of the additions proposed in the Park Service recommendations other than in-holdings are old growth forests. It appears that little consideration has been given to adjacent tracts that have been selectively cut or clear cut.

Lands which protect hydrologic or other significant ecologic functions of the swamp system should be included, whether or not they are old growth forest lands. Another rationale for expanding the boundaries as proposed in S. 2018 is the better management framework apparent in the boundaries described in the proposed legislation.

For example, the eastern boundary proposed in S. 2018 is the Southern Railway railroad tracks. The reason given by the Park Service for acquiring all the land parcels along the Congaree River is to provide a distinct, easily recognizable park boundary along the river.

Both the monument staff and the user can immediately determine this river boundary, thus enhancing resource management and law enforcement.

If this is true of the river as a boundary, it is also true of the railroad tracks presently east of the park.

Although the South Carolina agencies I represent support acquiring more acreage than the Park Service, we do find some very positive proposals in the plan. We support the Park Service plan for visitor use. The monument should be enjoyed in its primitive condition, with a minimum amount of development in the interior of the monument.

We also support the proposed designation of the majority of the monument as wilderness or potential wilderness. A key value of the Congaree Swamp lies in its wilderness character.

The Congaree Swamp national monument is an extremely significant natural resource and a place of incredible beauty. To fully protect this tremendous ecological resource, we support the passage of S. 2018. This legislation will allow us to more fully exercise our stewardship in maintaining our significant wild places for future generations.

I appreciate the opportunity to address the Subcommittee on behalf of the South Carolina natural resource agencies in support of this legislation, and we all appreciate your support, Chairman Bumpers, of the legislation.

Thank you.

[The prepared statement of Mr. Beasley follows:]

STATEMENT OF

SOUTH CAROLINA WATER RESOURCES COMMISSION
SOUTH CAROLINA DEPARTMENT OF WILDLIFE AND MARINE RESOURCES
SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION, AND TOURISM

BEFORE THE ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

BARRY R. BEASLEY

JUNE 23, 1988

WASHINGTON, DC

Chairman Bumpers and members of the subcommittee, my name is Barry R. Beasley. I am employed by the South Carolina Water Resources Commission as the Coordinator of the South Carolina Scenic Rivers Program. I am here to speak in support of the legislation, S.2018, introduced by Senator Strom Thurmond and co-sponsored by Senator Ernest Hollings, which would expand the current boundaries of the Congaree Swamp National Monument. However, today my remarks represent the positions of two other natural resource agencies in South Carolina; the Wildlife and Marine Resources Department and the Department of Parks, Recreation, and Tourism, in addition to the Water Resources Commission. Each of these agencies has submitted written comments to the subcommittee supporting the proposed expansion. The Governor of South Carolina, Governor Carroll Campbell, has also submitted written comments to the subcommittee supporting the legislation.

The area now known as the Congaree Swamp National Monument contains an old-growth bottomland hardwood forest that has occupied this floodplain for centuries. When walking under the towering hardwood canopy of this forest, one can see the timeless nature of this dense forest. The value of this significant natural resource has been documented in a variety of sources. The Congaree Swamp National Monument is the first South Carolina site included in UNESCO's international network of Biosphere Reserves. It is also a National Natural Landmark.

The South Carolina agencies which I represent here today want to see the Congaree Swamp adequately protected. We are all in agreement that protection of the Congaree Swamp is dependent upon protection of the entire ecosystem. This legislation presents an opportunity to reach

this goal by expanding the current park boundaries through the addition of 7000 acres. Expanding the boundaries of the Monument will provide for better protection of this old growth forest swamp system, facilitate comprehensive management, and facilitate a greater variety of recreational opportunities.

The Congaree Swamp must have an adequate surrounding buffer to protect its ecologically significant natural systems. The National Park Service recommended an expansion of 2464 acres in its General Management Plan for the Congaree Swamp. This expansion was increased to 3900 acres in the final plan approval recently released. While we support the efforts of the Park Service to expand the Monument's boundaries, the acreage recommended by the Service is not sufficient to allow the level of protection the Congaree Swamp requires. The 7000 acre expansion proposed in S.2018 will more adequately protect the functions of the ecosystem. The boundary expansion proposed by the Park Service, though significant, does not address obtaining as much adjacent flood plain as is needed or of providing a buffer that is not old-growth forest. As pointed out in the Wildlife Department comments, most of the additions proposed in the Park Service recommendations, other than in-holdings, are old-growth forest. It appears that little consideration has been given to adjacent tracts that have been selectively cut or clear cut. Lands which protect hydrologic or other significant ecologic functions of the swamp system should be included, whether or not they are old-growth forest lands.

Another rational for expanding the boundaries as proposed in S.2018 is the better management framework apparent in the boundaries described in

the proposed legislation. For example, the eastern boundary proposed in S.2018 is the Southern Railway railroad tracks. A reason given by the Park Service for acquiring all the land parcels along the Congaree River is to provide a distinct, easily recognizable park boundary along the river. Both the monument staff and the user can immediately determine the park boundary of the river. This enhances resource management and law enforcement. If this is true of the river as a boundary, it is also true of the railroad tracks presently east of the park.

Although the South Carolina agencies I represent support acquiring more acreage than the Park Service, we do find some very positive proposals in the plan. We support the Park Service plan for visitor use. The monument should be enjoyed in its primitive condition with a minimum amount of development for visitor use in the interior of the monument.

We also support the proposed designation of the majority of the Monument as wilderness or proposed wilderness. As development increases wilderness experiences will become harder to find and a key value of the Congaree Swamp lies in its wilderness character.

The Congaree Swamp National Monument is an extremely significant natural resource and a place of incredible beauty. To fully protect this tremendous ecological resource, we support the passage of S.2018. This legislation will allow us to more fully exercise our stewardship in maintaining our significant wild places for future generations. I appreciate the opportunity to address the subcommittee on behalf of the South Carolina natural resource agencies in support of this legislation.

Senator BUMPERS. Thank you very much.
Mr. Lienesch.

STATEMENT OF WILLIAM LIENESCH, DIRECTOR OF FEDERAL ACTIVITIES, NATONAL PARKS AND CONSERVATION ASSOCIATION

Mr. LIENESCH. Thank you, Mr. Chairman.

I will be extremely brief this morning. Many of the comments in my written testimony have already been mentioned.

Senator BUMPERS. We will insert your full statement in the record.

Mr. LIENESCH. Thank you, sir.

In my testimony I might mention, Mr. Chairman, there are also some comments about the Pinckney house, and we also support that legislation, and if time permits I will make one comment about that in my statement.

We view this proposal as extremely important, this being the Congaree Swamp additions, extremely important and extremely modest.

As you noted in your comments, shortly this Subcommittee will probably be considering the issue of Manassas. The cost of this addition in comparison to Manassas, of course, is modest by any means. Any comparison to the expansion recently of Big Cypress in both terms of acreage and costs would make this an extremely modest one.

But I think no less important, certainly, for the resources at the Congaree. As Dick pointed out, the Congress understood the need to expand the monument at the time that it enacted, and ordered the Park Service to do the boundary study. This was referred to by both the previous witnesses.

And so it was understood early on that the original monument was not sufficient and that more land needed to be added.

I have not had the opportunity to look at the Park Service statement. I know in the past there have been concerns raised, I believe by the Park Service, perhaps by others, that some of the lands in the current bill are lands that have already been logged over and therefore perhaps are not as worthy as other lands.

I would like to make a few comments about these lands, which tend to be the ones more towards the eastern part of the proposed expansion. In 1986, there was an evaluation by the South Carolina Heritage Trust looking at these lands and, based on this and some other work that has been done, there are at least three conclusions that can be drawn.

One is that the hydrologic regime of the flood plain lands has not been altered by the logging that has occurred;

Secondly, that the lands to the east help protect the core monument that exists at this point;

And thirdly, that the presence of near-record or the former presence of near-record trees indicates that this area can rejuvenate, that it can come back.

If we look at the history of the National Park System, there have been times, primarily in the Shenandoahs and Great Smokey ex-

amples, where land were bought that had been logged over and which are now very prime resources, that have come back.

So we believe that the fact that some of these lands have been logged previously is no reason to exclude them.

Also, as I believe the Superintendent noted, the cost of lands without the trees on them is something like $2,000 an acre lower, and of course that helps reduce the cost of this proposal.

Senator BUMPERS. Incidentally, what are the differences? The $2,000 difference, but what is the top and what is the bottom?

Mr. LIENESCH. That I do not know, sir.

Senator BUMPERS. Okay. Go ahead.

Mr. LIENESCH. So in any rate, we think that these previously logged lands are integral to the resource, that they can come back, and that it is a savings at this point in time to the government to pick them up because of their lesser value monetarily.

In closing on Congaree, Mr. Chairman, I would like to reiterate a point that was made before in different terms. We recently have released a report called "The future for the National Park System." Among the many studies we did as a part of that study was a boundary study for each unit of the park system, where we designed what we thought were ideal boundaries, not from a political sense, but from an ecological sense.

And for this park, Congaree, we actually had in our proposal, have in our proposal, many acres south of the river here, as you see on the map. And these are the lands. It includes some flood plain, but mainly high bluffs that overlook the existing monument.

So in comparison to our own studies, this is also an extremely modest proposal.

Finally, if I might, Mr. Chairman, just one brief comment on the Pinckney home. We agree with everything that has been said by the previous witnesses and would add one additional reason to make this an addition to the National Park System. And that is that it can help to further the interpretation and knowledge of that era of America.

And that certainly is an era that is not overrepresented. It is probably underrepresented in the National Park System, and we believe that this is a further reason, and that the legislation and report might even indicate that.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Lienesch follows:]

STATEMENT OF WILLIAM LIENESCH
DIRECTOR OF FEDERAL ACTIVITIES
NATIONAL PARKS AND CONSERVATION ASSOCIATION

PRESENTED TO

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
U.S. SENATE

JUNE 23, 1988

The National Parks and Conservation Association appreciates the opportunity to testify on behalf of our 60,000 members on S. 2018 and S. 2058. We support enactment of both pieces of legislation. We are deeply appreciative of the efforts of the South Carolina delegation to protect the home of Charles Pinckney and to enlarge and provide additional protection for Congaree Swamp National Monument.

Protection of the Congaree Swamp has been a priority for NPCA since the mid-1970s. We were involved in the campaign to establish the monument and have worked with the National Park Service, the South Carolina delegation and other conservation organizations to expand the boundaries to more adequately protect this unique and internationally significant resource.

Congaree Swamp contains the largest remnant of old-growth southern bottomland hardwood forest in the nation. Its national and international significance has been affirmed by its designations as a National Natural Landmark (NNL), National Monument, and its inclusion in the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) international network of Bioshpere Reserves.

When Congress established the monument in 1976, it recognized that the 15,135-acre Beidler Tract would not provide an adequate boundary. Congress directed the National Park Service to recommend by November 1979, "the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area ..." (Public Law 94-545).

Over an 11 year period, the Park Service considered potential additions of more than 11,000 acres including the bluffs and floodplain in Calhoun County on the south side of the river. In November 1987 the Park Service submitted a Draft

General Management Plan and Wilderness Recommendation for Congaree Swamp National Monument which recommended only 2,464 acres for addition to the monument. After a public comment period and further review, the Service, in May 1988, revised its boundary recommendation to 3,900 additional acres.

While the May 1988 proposal is an improvement, it is still inadequate as it omits ecologically significant adjacent lands which should be added to the monument for protection of resources and scenic integrity, and to facilitate management and administration of the area.

S. 2018 improves upon the NPS proposal in that it provides for acquisition of 7,000 acres of land north of the river including all of the National Natural Lands between the monument's eastern boundary and the Southern Railroad tracks which were omitted from the NPS proposal due to recent logging.

These lands are ecologically linked to the monument and should not be excluded due to logging. A 1986 reevaluation of the Congaree National Natural Landmark conducted by the South Carolina Heritage Trust at the request of the NPS, found that the hydrologic regime of these floodplain lands has not been altered by logging and recommended retention of the logged lands in the NNL. The reevaluation determined that these lands protect the hydrologic integrity of the core NNL (the monument); and that the presence, or former presence, of near-record-size trees indicates these areas have the potential to recover and eventually become as significant as the core NNL (the monument) is now. In addition, it is reasonable to expect that the acquisition cost of the logged lands will be lower now than it will be in the future when the forest has regrown.

The inclusion of lands in the Park Service's 3,900 acre proposal that were clearcut or selectively logged in the last decade indicates that logged areas are appropriate to include in the monument. In addition, other precedents exist for inclusion of logged lands in national parks. Both the Great Smoky Mountains and Shenandoah National Parks were established by including extensively logged areas.

Extension of the eastern boundary to the railroad will permit greater effectiveness in managing the area and include the remnants of Hugar's road, a ferry road dating from 1781. It will provide additional protection for Running Lake, an important drainage artery for the monument and will include the Devil's Elbow, a prime example of oxbow formation, and 3-1/2 miles of the north bank of the Congaree River.

NPCA understands that, at the request of the a landowner, consideration may be given to deleting the Cook's Lake tract along the western boundary from the bill's boundary proposal. It would be unfortunate to delete this tract since NPS acquisition of this scenic oxbow, or remnant of a former Congaree River channel, would add to the diversity of geomorphic features represented, protect the aesthetic qualities of the lake from threat of timber harvest, and provide additional recreational opportunities. Addition of the Cook's Lake tract would also straighten the monument's western boundary and eliminate the hazard which hunting on this land may pose to monument visitors. NPCA understands the need to be sensitive to property owners and believes that the Cook's Lake Tract should be retained in the bill so that the National Park Service will have the authority to acquire the tract should the owners wish to sell their lands to the NPS in the future.

Enactment of S. 2018 will be a major step toward protection of the Congaree Swamp ecosystem which includes the Congaree River, its floodplain north and south of the river, and the bluffs which enclose the floodplain on both sides of the river. The floodplain and high bluffs south of the Congaree River are integral components of the Congaree ecosystem which are threatened by industrial and residential development. The floodplain and bluffs are hydrologically related to the northern side of the Congaree and severe changes there could adversely impact the monument.

Investigations by South Carolina Heritage Trust scientists and other noted researchers have determined the Congaree River bluffs in Calhoun County to be regionally and nationally significant. The Heritage Trust states that this undisturbed forested system forms a contiguous feature with the floodplain and provides natural insulation for the floodplain forest. In the same manner, protection of the floodplain forest insulates trees on the southern bluffs from windthrow. Sandstone outcrops in the bluffs along the river reveal pages from the coastal plain's geologic history.

The NPS's draft GMP states that Calhoun County has begun to draw considerable interest from various types of industry that are looking for land close to the Congaree River. The document also notes that any change in the area over the next 10-20 years will be a gradual transition from agriculture to residential and industrial use.

Protection of the southern bluffs and floodplain is essential to prevent residential and industrial development overlooking the river and monument lands, to avoid air and water pollution, and damage to the scenic integrity of the river corridor. Inclusion of the floodplain and bluffs in the monument would enhance visitor use and appreciation of the monument and assure protection of the biological diversity of the area.

While state and local initiatives are underway to protect the significant lands south of the river, they do not guarantee protection of these lands before they are developed. NPCA remains committed to working with the Congress, the Park Service, the Heritage Trust and other interests to secure protection of these integral pieces of the Congaree ecosystem.

NPCA supports designation of most of the monument and addition as wilderness or potential wilderness and offers one minor refinement to the potential wilderness designation. NPCA recognizes the importance of air quality monitoring and supports retention of the state air quality monitoring station in the monument until such time as it can be relocated. Until the site and its access road can be phased out, these features should be designated as potential wilderness and managed as wilderness insofar as practicable. The wilderness and potential wilderness map accompanying S. 2018 should be adjusted to show retention of the monitoring site, the road and their designation as potential wilderness.

NPCA agrees with and supports the upgrading of wilderness and potential wilderness designations for lands along the monument's western access road as depicted on the wilderness recommendation map accompanying the May 1988 NPS approval and Finding Of No Significant Impact for the General Management

Plan/Wilderness Suitability Study/Environmental Assessment. We recommend that the wilderness map accompanying S.2018 be amended to include these designations.

NPCA also recommends that Section 301 of the bill be changed to authorize appropriations of $3.0 million dollars for construction and development within the monument instead of $2.7 million. The additional funds will be needed for development of at least one additional access point for the expanded monument.

Charles Pinckney of South Carolina was one of the most important historical figures of the colonial and early national period. He served in the Continental Congress, contributed immensely to the final draft of the Constitution, chaired the South Carolina state constitutional convention, was both a United States Senator and Representative, was Governor of his state four times and served as the American Minister to Spain during the Presidency of Thomas Jefferson.

Pinckney, who began his political career as an ardent nationalist, later cast his lot with the back-country South Carolina Democratic-Republicans. Snee Farm, the "country seat of Governor Pinckney" as George Washington referred to Pinckney's lifetime home, was inherited from his father in 1782. He lived there until his death in 1824. The property possesses a unique association with a figure of national importance and reflects the characteristics of a southern plantation home. Snee Farm is an ideal place to preserve and interpret the life and life style of an early statesman.

Although the house itself possesses architectural merit, clearly, what makes this property of national significance is that this was the home of Charles Pinckney American patriot and statesman. To this end, we suggest amending page 1 line 4-5 to read: "In order to recognize and illustrate aspects of American history including the national significance and contributions of Charles Pinckney,....."

We also recommend that Section 2 of this bill amended to direct the National Park Service to establish a definitive boundary which would be reflected on an official boundary map for the National Historic Site. In addition, Congress should establish a legislative framework for preservation and interpretation of this site.

For example, either in the bill itself or in report language, there should be a statement of significance that includes reference to both the national importance of Charles Pinckney in the early republic, and the Snee Farm as a property that reflects southern culture during the Federalist Era. There should be a strong statement to the effect that it would be appropriate to interpret the institution of slavery at this National Historic Site. Clearly, this house should not be interpreted solely as another "great house" of a famous person, but rather the lifestyle of the era, including slavery, should be a focus of interpretation for the site. Mr. Pinckney was a slaveholder and the Snee Farm was a great house for a rice-indigo plantation operated with slave labor.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions you or the other members of the Subcommittee may have.

Senator BUMPERS. Thank you very much, Mr. Lienesch.
Mr. Kirby.

STATEMENT OF PETER KIRBY, SOUTHEAST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Mr. KIRBY. Mr. Chairman, on behalf of the Wilderness Society I appreciate this opportunity to express our strong support for the Congaree Swamp National Monument Expansion and Wilderness Act.

In light of the testimony already presented about the need for boundary expansion, I would like to limit myself only to the wilderness issue. We support the bill's designation of 21,500 acres of wilderness and potential wilderness.

This will ensure that the park is managed to preserve natural conditions for the enjoyment and education of visitors and for its continued use as an outdoor laboratory. Preserving this bottom land hardwood forest will also add needed diversity to South Carolina's wilderness to complement the mountain wilderness of Ellicott Rock, the barrier island Wilderness of Cape Romaine, and the forest swampland wildernesses in the Frances Marion National Forest.

With only minor exclusions, this bill would establish almost all of the existing monument acres as wilderness. This parallels the final wilderness recommendation of the National Park Service for 15,010 acres. Since these lands will all be managed in a non-manipulative way to preserve their natural conditions, according to the recent park plan, it makes management sense that they be designated wilderness.

Although a small portion, less than 3,000 acres, of the existing monument was logged before the land was acquired by the Federal Government, these forest lands are rapidly regrowing and have largely regained their natural appearance.

Also, the impacts from this prior logging are relatively insignificant when evaluated on the basis of the area as a whole, as contemplated by the criteria for eligibility in the Wilderness Act.

In similar circumstances, Congress has designated areas once logged as wilderness in the East, such as the Shenandoah National Park, the Great Swamp National Wildlife Refuge, and throughout the national forests, as you know.

Finally, this legislation designates the expansions to the monument as potential wilderness. Under section 101 of the bill these lands, once acquired, would become wilderness upon a notice in the Federal Register that uses prohibited by the Wilderness Act have ceased.

Thus, as these lands are acquired in the years ahead, they will become wildernesses one by one, until the entire 21,500 acres designated by this bill will all be wilderness.

Some of the land to be acquired will be in a logged condition. However, as discussed earlier, such lands should be managed as wilderness to allow natural succession to occur.

Especially given the rich productivity of these lands for growing timber, which accounts for the massive old growth trees, the forest will recover rapidly a natural appearing condition.

Also, these logged parcels on the expanded eastern portion will themselves constitute only a small portion of the entire park. Thus, measured against the entire 22,500 acres of the expanded park, the impacts from these logged acres will be relatively insubstantial.

Let me mention one final detail, Mr. Chairman. The Park Service plan as recently been prepared for approval by the Administration does provide for the retention of an air monitoring station within the existing monument while efforts are made to remove it.

We would urge that the road to this air monitoring station be made potential wilderness by the legislation, so that once the station is removed the road corridor can become wilderness and provide that the area be managed in a natural condition.

In short, the bill's designations as wilderness and potential wilderness are meritorious and will assist in providing for the best management of the park. We commend Senators Thurmond and Hollings for their interest in and dedication to preserving the swamp, and we urge the Committee to take speedy action this year.

Thank you.

[The prepared statement of Mr. Kirby follows:]

THE WILDERNESS SOCIETY

STATEMENT OF PETER KIRBY, SOUTHEAST REGIONAL DIRECTOR OF THE WILDERNESS SOCIETY, ON S. 2018 BEFORE THE PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, JUNE 23, 1988.

Mr. Chairman, on behalf of The Wilderness Society and its over 226,000 members, including 8,700 in the states of South Carolina, North Carolina, and Georgia, I appreciate this opportunity to express our strong support for S.2018, the Congaree Swamp National Monument Expansion and Wilderness Act. This park contains the country's largest remaining remnant of old-growth southern bottomland hardwood forest. Its ecological significance was recognized nationally by the Department of Interior with its designation as a National Natural Landmark in 1974 and internationally by UNESCO in 1983 with its listing as a Biosphere Reserve. Part of the area was protected by Congress as a national park in 1976.

As described in the attached recent article from the Atlanta Journal, the park is a natural gem, with such massive trees that some call it the "Yosemite of the South." Although listed as "lesser-known" by the National Park Service, its visitation has grown rapidly since its establishment, to the current 20,000 visitors a year, and could increase up to 80,000 visitors a year by the turn of the century with additional interpretative attractions. However, for the forest's resources to be adequately protected and for the park to reach its full potential, Congress should enact the wilderness designation and the park expansion provided for in S. 2018.

1. Wilderness. We support the bill's designation of 21,500 acres of wilderness and potential wilderness. This will ensure that the park is managed to preserve natural conditions for the enjoyment and education of visitors and for its continued use as an outdoor laboratory. This will be the first wilderness in the central part of the state. Preserving this bottomland hardwood forest will also add much-needed diversity to South Carolina's wilderness, to complement the mountain wilderness of Ellicott Rock, the barrier island wilderness of Cape Romain and the four swampland areas in the Francis Marion National Forest.

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With only minor exclusions, S. 2018 would establish almost all of the 15,100 existing Monument acres as wilderness. This parallels the final wilderness recommendation of the National Park Service for 15,010 acres. Since these lands will all be managed in a non-manipulative way to preserve their natural conditions, according to the recent park plan, it makes management sense that they be designated wilderness.

Although a small portion, less than 5,000 acres, of the existing Monument was logged before the land was acquired by the federal government, these forest lands are rapidly regrowing and have largely regained a natural appearance. Also, the impacts from this prior logging are relatively insignificant when evaluated on the basis of the area as a whole, as contemplated by the criteria for eligibility in the Wilderness Act. In similar circumstances, Congress has designated areas once logged as wilderness in the East, such as for Shenandoah National Park, the Great Swamp National Wildlife Refuge and throughout the national forests.

The legislation makes a minor exclusion from wilderness of about 100 acres for habitat manipulation for the endangered red-cockaded woodpecker. While we do not object to this minor exclusion on the edge of the park, we note for the record that the Wilderness Act allows for essential habitat manipulation required by the Endangered Species Act, provided that the minimum tool is used by the managers. Also, the Wilderness Act does of course allow for visitor restriction or even prohibition if needed for endangered species.

Finally, S. 2018 designates the expansions to the Monument "potential" wilderness. Under Section 101(b), these lands once-acquired would become wilderness upon a notice in the Federal Register that uses prohibited by the Wilderness Act have ceased. Thus, as these lands are acquired in the years ahead, they will become wildernesses one-by-one until the entire 21,500 acres designated by this bill will be all wilderness. Some of the land to be acquired will be in a logged condition, particularly parcels in the Georgia-Pacific ownership. However, as discussed earlier, such lands will be managed as wilderness to allow natural succession to occur. Especially given the rich productivity of these lands for growing timber (which accounts for the massive old-growth trees), the forest will recover rapidly toward a naturally-appearing condition. Also, these logged parcels on the expanded eastern portion will themselves constitute only a small portion of the entire park. Thus, measured against the entire 22,500 acres of the expanded park, the impacts from these logged acres will be relatively insubstantial.

2. Boundary Expansion. During periodic field investigation of the Congaree Swamp National Monument over the last decade, our staff has concluded that the existing monument boundaries do not adequately protect the resource. There is substantial acreage outside the present boundary that is ecologically or visually linked to lands within and is threatened with timber harvest and development. We would prefer an expansion of the monument to protect all of the lands that lie within the basin bounded by the north and south Congaree River bluffs. However, we can and do support the expansion embodied in S. 2018, provided important lands on the south side of the Congaree River in Calhoun County will be promptly protected by other means.

Of particular importance is the park expansion east to the Southern Railroad in order to establish a coherent and manageable boundary. The railroad is the eastern boundary of the National Natural Landmark. The addition would also protect the scenic integrity of about three and one half miles of the north bank of the Congaree River. Various features within the area such as Devil's Elbow and Running Lake artery are also important to include for full protection of the hydrologic and natural values of the Monument.

In summary, we commend Senators Thurmond and Hollings for their long-standing interest in and dedication to preserving the remarkable ecology of the Congaree Swamp. S. 2018 is a much-needed follow-up to the creation of the park over a decade ago. We urge the Committee to report out this bill for timely enactment this year.

Little-known parks a hidden treasure

Monday, June 6, 1988 The Atlanta Journal

CHARLES SEABROOK/Staff

Ranger Fran Rametta leans on a huge loblolly pine at Congaree Swamp National Monument, where some loblollys are 15 feet around and 100 feet tall.

What they lack in popularity is made up for in tranquillity

By Charles Seabrook
Environment Writer

CONGAREE SWAMP NATIONAL MONUMENT, S.C. — Here in the bottom lands, 15 minutes by car from South Carolina's capital city, there is true solitude. Along the boardwalk, which runs for three-quarters of a mile through the swamp and dead-ends at an oxbow lake, the silence is punctuated only by the rat-a-tat-tat of a pileated woodpecker and the chirping of yellow and gray prothonotary warblers as they dart about the trees.

With only 20,000 visitors a year, the Congaree Swamp is only one of the secret getaways the National Park Service lists among its "lesser-known" parks.

"Even though they are not well-known, these sites contain attractions that often are comparable in quality to the more famous parks," says Paul Winegar, spokesman for the Park Service's regional office in Atlanta.

Biologists say, for instance, that if the ivory-billed woodpecker, long believed to be extinct, remains anywhere in the United States, it is in this 15,135-acre sanctuary of record-size American elms, loblolly pines and bald cypresses — trees that prompt some people to call this national park the "Yosemite of the South."

One bald cypress in the preserve is 27 feet around. An American elm is 18 feet in circumference, and many loblolly pines — known in many parts of the South for their matchstick-like appearance — are 15 feet around and reach heights of more than 100 feet.

"As far as we know, this is the only place where loblollys reach such proportions," says park ranger Fran Rametta.

Senator BUMPERS. Thank you very much.

Gentlemen, I have no questions of you. I agree with virtually everything you have said and there is no point in all the saved preaching to each other.

So with that, we have a roll call vote and I am going to take leave for a few minutes to cast a vote and then I will return and we will take our last panel.

Thank you all very much for coming to be with us today and your fine testimony.

Mr. KIRBY. Thank you, Mr. Chairman.

[Recess.]

Senator BUMPERS. Our second panel on S. 1643, the Mississippi River heritage corridor, consists of: Dan Derbes, President, Mississippi River Parkway Commission; John Bernhagen, Vice President, Mississippi River Parkway Commission; Derrick Crandall, American Recreation Coalition; and Dr. Michael Devine, Director of the Illinois Historic Preservation Agency.

Gentlemen, welcome. As you know, our time this morning is five minutes, and I will take you as you are on my list here.

Mr. Derbes, you are first on the list.

STATEMENT OF H. DAN DERBES, MISSISSIPPI RIVER PARKWAY COMMISSION, ACCOMPANIED BY JOHN BERNHAGEN, VICE PRESIDENT

Mr. DERBES. Thank you, Mr. Chairman.

My name is H. Dan Derbes. I am the President of the National Mississippi River Parkway Commission and a citizen of the state of Louisiana. With me today is Minnesota State Senator John Bernagen, who is the Vice President of our national commission.

I wish to express our appreciation for the opportunity to present testimony on the Mississippi River National Heritage Corridor Act.

We have been working to designate the Mississippi River as a national heritage corridor since 1984, and are very pleased to have these hearings today. Throughout this time, we have discovered that there is widespread support in our ten Mississippi River states for the Mississippi River National Heritage Corridor bill.

Each of our ten state parkway commissions, whose members consist of governors, appointees, legislators, state agency representatives, strongly support the heritage corridor concept.

In fact, representatives of each of the ten state parkway commissions have traveled, some at their own expense, to be present here to show their support for the heritage corridor act.

With your permission, Mr. Chairman, I would like to ask that the names of these individuals be made a part of the record, and submit it with my written remarks.

Senator BUMPERS. Without objection.

Mr. DERBES. In addition to our state commissions, the Mississippi River National Heritage Corridor concept has been supported by a wide variety of different organizations and groups.

Resolutions of support have been approved by several of our state legislatures, city and county governmental bodies, and nonprofit organizations, and supportive letters have been written by the heads of numerous state agencies and private groups.

This widespread support of the concept of the heritage corridor is rooted in the numerous meetings which were held in the ten states over the past four years. The commissions in each of our states have convened public hearings to find out how they can best place additional emphasis on the vast resources of the Mississippi River Valley.

What we have found is that there was a national interest in historic, economic, recreational, cultural, environmental, and natural resources of the Mississippi River Valley. Yet, despite the efforts of the states through which the Mississippi River stretches, there was no unifying attempt to seek ways to preserve, enhance, and promote the vast resource opportunities found in the region.

The establishment of the Mississippi River National Heritage Corridor will focus national attention as only the Federal Government can on the available resources of the Mississippi River Valley.

This legislation also provides a much needed means to assess how we might best preserve, enhance, and utilize these resources for the benefit of the nation.

Despite the incredible diversity of the states along the river, there is a common enthusiasm for the goals to seek national awareness and assure future opportunities. We feel that this legislation will successfully achieve these goals in every way and that all the unique concerns of all of the states will be carefully addressed.

The Federal Government has an important and necessary role in designation of the Mississippi River heritage corridor. As vital as this role is, however, we are extremely pleased that the corridor legislation is drafted in such a way that the Federal Government is a partner and the rights of the states and the local units of government will not be threatened.

We would like it to be clear that the legislation you have before you now represents the needs and the concerns of many interests in the ten Mississippi River states. Although we realize this legislation may not be perfect and some changes may be needed, the concept for the heritage corridor designation is important to all.

I understand that there are some revisions of the Mississippi River National Heritage Corridor bill which are now being sought in the House version of the bill. Our board of directors has received these suggestions and, while we are amenable to the changes, our support is for the concept of the heritage corridor embodied in the bill before us today.

There is much more I could say about the support of the corridor bill, the Mississippi River Parkway Commission, as well as the national and international importance of the river valley.

However, in order to allow others time to testify, I would like just to say that the Mississippi River Valley is the most important natural resource in the world. The Mississippi River National Heritage Corridor Act is a small, yet vital piece of legislation, which marks an important step to place the much-needed emphasis on an important natural resource.

We and all of the ten states sincerely hope that you will look favorably upon and enact this bill into law this year. Thank you, Mr. Chairman.

[The prepared statement of Mr. Derbes follows:]

Mississippi River Parkway Commission

STATEMENT

OF THE

MISSISSIPPI RIVER PARKWAY COMMISSION

TO THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

June 23, 1988

Mr. Chairman, Members of the Committee:

My name is H. Dan Derbes and I am Chairman of the ten-state Mississippi River Parkway Commission and a citizen of the state of Louisiana. With me today is Minnesota State Senator John Bernhagen who is Vice Chairman of our National Commission.

I wish to express to you our appreciation for the opportunity to present testimony in support of the Mississippi River National Heritage Corridor Act. The Mississippi River Parkway Commission has been working to obtain designation of the Mississippi River as a National Heritage Corridor since 1984 and are very pleased that these hearings are being held today.

I urge you to favorably act on this bill because we have discovered that there is widespread support in each of our ten Mississippi River states for establishing a Mississippi River National Heritage Corridor. Each of our ten state parkway commission members have worked hard on this proposal and they all strongly support the Heritage Corridor concept.

In fact, representatives of several of our ten state parkway commissions have traveled, some at their own expense, to be present today as evidence of their state's support for the Heritage Corridor Act. With your permission, Mr. Chairman, I would ask that the names of these individuals be made part of the record and submitted with my written remarks. They are Roy Finley of Wisconsin, Don Ammons of Tennessee, James Everett of Kentucky, Charles Doan and Patty Cappaert of Mississippi, John Bernhagen of Minnesota, and myself, representing Louisiana.

The Mississippi River Parkway Commission is a quasi-governmental organization of the ten states along the Mississippi River whose purpose is to promote and enhance the scenic, historic, environmental, economic and cultural resources of the Mississippi River valley and to develop the national parkway known as the

Great River Road. There are individual state parkway commissions in each of the ten Mississippi River states and the Province of Ontario whose members consist of legislators, state and local government officials and general members of the public appointed by the governors and premier of the respective states and province.

I would also like to point out that the Mississipi River Parkway is the only organization in existence that uniquely ties together all the recreational, historic, and economic interests of all ten Mississippi River states. We have been in existence since 1938, when then Secretary of Interior Harold Ickes recommended that the governors of the ten states appoint separate commissions in each of the states to begin planning of the Great River Road. We are very proud of the fact that this year, 1988, marks the 50th Anniversary of our organization.

The idea of establishing a Mississippi River National Heritage Corridor was first discussed at a meeting of representatives of the governors of the ten states convened in St. Louis in 1984. This meeting was called in order to discover how best to place national emphasis on and enhance the resources of the Mississippi River valley. The concept of a Mississippi River National Heritage Corridor designation was suggested at the meeting to give the resources of the Mississippi River the level of recognition it deserves.

As exciting as this concept first appeared, we felt we first needed to assess the public reaction to the possibility of Heritage Corridor designation before we went to Congress with our proposal. The individual state parkway commissions convened a series of public meetings in the ten states to discuss this concept in a wide variety of state and local agencies, voluntary associations, and private industry. We prepared a slide show which presented the

results of a preliminary inventory of the River's resources and asked for ideas concerning the development of a Mississippi River National Heritage Corridor program.

What we found was that there is grassroots' support to bring national attention to the many historic, economic, recreational, cultural, environmental, and natural resources of the Mississippi River valley. There exists no unifying mechanism to bring national attention to the vast resource opportunities found in the region.

The establishment of a Mississippi River National Heritage Corridor will focus national attention, as only the federal government can, on the available resources of the Mississippi River valley. This legislation also provides a much needed means to assess how we might best preserve, enhance, and utilize those resources for the benefit of the future generations of this nation.

Despite the diversity of the states along the river, there is a common enthusiasm to bring a coordinated national awareness and to assess future opportunities. We feel that this legislation will successfully achieve these goals in a way that all of the unique concerns of all the ten states will be carefully addressed.

The federal government has an important and necessary role in designation of the Mississippi River Heritage Corridor. As vital as this role is, however, we are extremely pleased that this Corridor legislation is drafted in such a way that the federal government is a partner and the rights of states and local units of government will be recognized.

Based on our hearings in the states and the history of our organization, we are confident that this partnership involving the federal government, the states, and private industry can be achieved. Everyone with whom we met expressed the desire to be involved in this designation and cooperate in its

implementation. The Mississippi River Parkway Commission has already achieved this cooperation in the planning of the Great River Road and the development of joint marketing programs. We feel strongly that this partnership will naturally be extended to the efforts of the Mississippi River National Heritage Corridor program.

Not only is there a history of federal/state cooperation through the activities of the Commission, but there is historical precedence for the recommendations of the promotion of the resources of the Mississippi River valley. The early recommendations by the Bureau of Public Roads to develop the Great River Road in 1954 included a recommendation for increased awareness of the resources of the Mississippi River valley. While the idea of a Heritage Corridor was not specifically noted, these early studies encouraged a cooperative federal and state effort to bring increased attention to the vast resource opportunities found in the Mississippi River valley.

We would like it to be clear that the legislation you have before you now that brings this idea of increased resource awareness represents the needs and concerns of a diversity of interests in the ten Mississippi River states. Although we realize this legislation may not be perfect and that some changes may be needed, the concept of establishing the Mississippi River National Heritage Corridor is important to all.

In addition to our state commissions, the Mississippi River National Heritage Corridor concept has been supported by a wide variety of different organizations and groups. Resolutions of support have been approved by several of our state legislatures, city and county governmental bodies, and non-profit organizations, and supportive letters have been written by the heads of numerous state agencies and private groups.

Also, 18 of our 20 U.S. Senators from the ten Mississippi River states are co-sponsors of the Heritage Corridor bill. There are currently 61 co-sponsors of the companion version of this bill in the House of Representatives.

We are aware that there are some revisions in the Mississippi River Heritage Corridor bill which are being considered in the House version of the bill. Our Board of Directors, representing all ten Mississippi River states, has reviewed these suggestions, and while we are amenable to these changes, our support today is for the concept of the Heritage Corridor embodied in the bill before you now.

Mr. Chairman, I hope that the information we have presented to you today will cause you to support this bill. The Mississippi River valley is one of the most important natural resources in the world, important for the ten Mississippi River states, and the nation as a whole. The Mississippi River valley has played a vital role in the history and development of this country and continues to be a vital resource today. The Mississippi River National Heritage Corridor Act is a small, yet vital, piece of legislation, which will bestow appropriate national recognition and attention on this important national resource.

We, in all of the ten states, strongly support this bill, and again, we sincerely hope that you will look favorably on and enact this bill into law this year.

Respectfully submitted,

H. Dan Derbes, Chairman

Senator BUMPERS. Thank you, Mr. Derbes.
Senator Bernhagen.

STATEMENT OF THE HON. JOHN BERNHAGEN, MINNESOTA STATE SENATOR

Senator BERNHAGEN. Mr. Chairman Bumpers, my remarks are going to be very brief. I think I would just like to highlight a couple of things that we see as the implementation factors of the bill, as well as in the legislation when the bill is enacted.

First of all, it is indeed a review, and the recommendations were made in 1938 to first form a commission.

But a lot of things have transpired, both in economic ways worldwide and global during those 50 years. And we feel, and so do members of the states feel, that it is time for a study and continuous effort that only really a federally sanctioned promotion can do.

The legislation is specifically designed to place the implementation of any recommended use of the river corridor by various disciplines under the control of the states. Pilot Derbes has mentioned that. I think it needs to be emphasized, and its various subdivisions.

It would encourage proper economic development by the private sector, as well as government and local resources.

And then the Mississippi River Parkway Commission has been a live and healthy organization for these now 50 years, but it feels at this time there is a need to flesh out the efforts by the Federal and state entities and the dollars already expended on the great river road and many of the other projects to protect and enhance that brick and mortar that has already been put into this effort.

And then of course, we are seeking a partnership of the Federal government to do the best work possible of the ten states that traverse this entire continent from north to south.

We do not know of another organization that is brought together that does indeed go from the northern border all the way to the southern border of the United States, and we see that as a very important effort in this.

And then, we are not involved in any acquisition in this legislation, and only the plan, the study plan that would be developed, would determine if there is to be any future acquisition.

And that of course is going to have to be a determination then by this Federal Congress, but in particular it will be done by the individual states, whether there should be acquisition and protection. But the legislation itself does not call for that, nor is there any intent to have that type of effort brought.

Just a couple comments about the Jerry Rogers comments from the National Park Service. The whole effort of the economics of it, we envision most of those efforts of the study commission and the commission itself to be carried out by the ten, eleven-member board of directors. And really, the efforts of the individual states with their ten-member commission will be those expenses borne by those states, all the input and such.

And so we do not see the actual dollars being expended on per diem and expenses of 100 members at all, but indeed a board of di-

rectors similar to what any other commission would itself be governed.

So we feel that the opposition that the National Park Service brought is a very minor one and we are more than happy to work with the Committee in any revisions to clarify that part.

Senator BUMPERS. Thank you very much, Senator.

Mr. Crandall.

STATEMENT OF DERRICK CRANDALL, PRESIDENT, AMERICAN RECREATION COALITION

Mr. CRANDALL. Mr. Chairman, thank you very much for the opportunity to appear here today and talk about the importance of S. 1643.

The Mississippi River is of great commercial, cultural, and recreational value to our nation. The management of that river resource requires coordination of ten states and several Federal agencies, no small task. Yet, coordination and cooperation really has been the standard in the Mississippi River corridor for many years, to no small degree a credit of the Mississippi River Parkway Commission.

The great river road that they have helped to create stands as one of the premier examples of interstate cooperation in our nation today. It is a 3,000 mile network of Federal, state, and county roads which crisscross the Mississippi from the northern border down to the Gulf of Mexico.

As it traverses the woodlands and the river towns, the farmlands and the bustling urban centers of our country, Americans and visitors to our country understand better our past and better our present.

The symbol marking the great river road, the steamboat in the center of a large steering helm, will become increasingly well known outside the U.S. because of actions cooperatively between the ten states that border on the Mississippi and the U.S. Travel and Tourism Administration.

The interest across this nation and throughout the country in the Mississippi is very high. The tales of Tom Sawyer and Huck Finn and the tales of the races of sternwheelers will become a live memory for millions of Americans and others as they use the great river road and see the hundreds of national, state, and local recreation areas along the road.

It is only logical that the great river road, already a tremendous resource to our nation, become the spine of a water heritage corridor, a corridor which will encourage still greater cooperation among the ten states along the Mississippi River.

During my recent service as a member of the President's Commission on Americans Outdoors, the importance of this nation's surface waters, and especially its rivers, for recreation was reinforced.

Efforts to ensure the quality of those waters and public accessibility to its waters are prime national needs. The creation of the Mississippi River National Heritage Corridor offers an important tool in achieving these goals.

The President's commission also emphasized the importance of local initiatives and local actions, and here the fine traditions since 1938 of the Mississippi River Parkway Commission make clear that local action works, but that it is aided by a mechanism which facilitates the flow of ideas and experiences.

The proposed Mississippi River National Heritage Corridor Commission can be that important mechanism. It will draw together diverse representatives from the states in the Mississippi corridor so that a common vision for the corridor's management is developed and, even more importantly, so that actions are taken to protect and enhance this wonderful world-class resource.

But it is not a Federal project. The legislation does not call for Federal land acquisition or direct Federal management. The Federal role is restricted to assistance in creating the forum and in planning—for planning and for coordinating actions.

In its way, the Mississippi River corridor is as important in a symbolic way for corridor protection as the Appalachian Trail.

We urge that this Subcommittee and the full Senate Energy and Natural Resources Committee take action on this important and cost effective piece of legislation.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Crandall follows:]

TESTIMONY BY DERRICK CRANDALL, PRESIDENT OF THE AMERICAN RECREATION COALITION, BEFORE THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES REGARDING S.1643, AN ACT TO CREATE THE MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR, ON JUNE 23, 1988.

Mr. Chairman and distinguished Members, I am Derrick Crandall, President of the American Recreation Coalition. I appreciate the invitation to appear before you this morning to express support for S.1643, which would establish the Mississippi River National Heritage Corridor.

The Mississippi River is of great commercial, cultural and recreational value to our nation. Management of the river requires the cooperation of several federal agencies and ten states -- no simple task. Yet cooperation and coordination within the Mississippi River corridor has been the rule, not the exception. Clearly, entities such as the Mississippi River Parkway Commission have played a strong role in forging this cooperative spirit. The Commission has drawn federal and state leaders together to develop a vision of what might be, and then aided the efforts of each jurisdiction to convert plans into reality.

The Great River Road stands as one of the premier examples of interstate cooperation. First proposed in 1938, the Great River Road today is a 3,000 mile network of Federal, state and county roads crisscrossing the Mississippi from Minnesota to the Gulf of Mexico. As it traverses woodlands and river towns, farmlands and bustling urban centers, the Great River Road helps Americans and visitors to our nation understand our past and our present. The symbol marking this great resource, a steamboat at the center of a large steering helm, will become increasing well known beyond the U.S. borders, I would note. The United States Travel and Tourism Administration will be actively aiding efforts by the Mississippi River Parkway Commission and the tourism agencies of the ten states along the river to lure visitors to the Mississippi corridor. The tales of Tom Sawyer and Huck Finn will come alive for millions as they use the Great River Road, travel on the Delta Queen or visit the hundreds of national, state and local recreation areas along the river.

It is only logical that the Great River Road -- already a tremendous resource to our nation -- become the spine of a broader heritage corridor, a corridor which will encourage still greater cooperation among the ten states along the Mississippi River.

TESTIMONY BY DERRICK CRANDALL
PAGE TWO

During my recent service as a member of the President's Commission on Americans Outdoors, the importance of this nation's surface waters -- and especially its rivers -- to recreation was reinforced. Efforts to assure the quality of those waters and public accessibility to the waters are prime, national needs. The creation of the Mississippi River National Heritage Corridor offers an important tool in achieving these goals.

The President's Commission also emphasized the importance of local initiatives and local actions. The fine tradition of the Mississippi River Parkway Commission makes clear to me that local action works and is aided by a mechanism which facilitates the flow of ideas and experiences. The proposed Mississippi River National Heritage Corridor Commission will be that mechanism. It will draw together diverse representatives from the states in the Mississippi corridor so that a common vision for the corridor is developed and -- even more importantly -- so that actions are taken to protect and enhance this wonderful, world-class resource. But it is not a federal project; the legislation does not call for federal land acquisition or management. The federal role is restricted to assistance in creating the forum for planning and coordination of actions.

This legislation is both important and cost-effective. We ask your prompt and positive action on S.1643. Thank you.

Derrick A. Crandall, President
American Recreation Coalition
1331 Pennsylvania Avenue, NW #726
Washington, DC 20004
(202) 662-7420

Senator BUMPERS. Thank you very much.
Dr. Devine.

STATEMENT OF DR. MICHAEL T. DEVINE, DIRECTOR, ILLINOIS HISTORIC PRESERVATION AGENCY

Dr. DEVINE. Thank you, Mr. Chairman.

I am here today to speak on behalf of—to speak to my support of the legislation, not only as Director of the Illinois Historic Preservation Agency and the state historic preservation officer in Illinois, but also to represent the state historic preservation officers in the ten states in the Mississippi River Valley.

As the state historic preservation officer, like my colleagues in the other ten states, we all implement federally mandated historic preservation programs. We handle the nominations to the national register of historic places. In our roles as historic preservation officers, we work very, very closely with the National Park Service and in particular Mr. Rogers, who appeared here earlier.

The establishment of the Mississippi River heritage corridor is of great interest to the state historic preservation officers in the ten states of the Mississippi River Valley.

This past March 21st, representatives of the state historic preservation offices from the ten states met in Washington to discuss the proposed legislation, both the House bill and the Senate version. There was at that time unanimous agreement that the designation of the Mississippi River heritage corridor could be of great value to the entire region.

In particular, it was felt that the heritage corridor designation would greatly assist the efforts to preserve historical and archaeological resources, as well as efforts by the state historic preservation offices to assist in necessary economic revitalization in a way that would complement and enhance the preservation and conservation of historical and natural resources.

I have submitted some written testimony for the Committee, and with your permission I will just skip over some of that to go to my conclusions.

Senator BUMPERS. Your full statement will be inserted into the record, Dr. Devine.

Dr. DEVINE. Thank you, Mr. Chairman.

In my own state of Illinois, we are proud of the Illinois-Michigan Canal national heritage corridor. This heritage corridor has already served as a model for several other corridor designations and should be examined in developing the Mississippi River heritage corridor.

The experience of the Illinois and Michigan Canal heritage corridor clearly demonstrates that the concept of designating an area historically significant enhances the cooperative efforts of state, local, and Federal agencies in necessary planning efforts.

Further, the designation calls public attention to the great significance of the corridor and facilitates the generation of public support for and involvement in planning, survey work, and decisionmaking.

Thank you very much, Mr. Chairman.

[The prepared statement of Dr. Devine follows:]

MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR
STATEMENT OF

DR. MICHAEL J. DEVINE

ILLINOIS STATE HISTORIC PRESERVATION OFFICER
ILLINOIS HISTORIC PRESERVATION AGENCY

JUNE 23, 1988

The establishment of a Mississippi River Heritage Corridor is of great interest to the State Historic Preservation Officers (SHPOs) of the ten states in the Mississippi River Valley. This past March 21st representatives of the State Historic Preservation Officers from the ten states met in Washington to discuss the legislation proposed in both the House and the Senate. There was, at that time, unanimous agreement that the designation of a Mississippi River Heritage Corridor would be of great value to the entire region. In particular, it was felt that the heritage corridor designation would greatly assist the efforts to preserve historical and archaeological resources as well as efforts by the state offices to assist in necessary economic revitalization in a way that would complement and enhance the preservation and conservation of historical, cultural and natural resources.

State Historic Preservation Offices are uniquely qualified to assist in the development of the Mississippi River Heritage Corridor since they have been collecting data on cultural resources in the Mississippi corridor since the early 1970's. Consequently, these offices possess an unparalleled collection of data on places with architectural, historical, and archaeological significance. The state offices administer a number of important programs that relate to economic development and tourism, such as historical markers, landmark designations, surveys of historic sites, planning, and the monitoring of federal investment tax credits.

Over the past decade the State Historic Preservation Offices have actively engaged in cultural resource management through monitoring

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of public undertakings to assure the preservation of significant places. The SHPOs review all federally funded, licensed and assisted projects in their states. The SHPOs and their staffs in the state offices have had many opportunities to work cooperatively with the communities and local governments within the proposed corridor and have acquired great familiarity with the geography, cultural and economic resources, people and the local governments.

In my own state of Illinois, we are proud of the Illinois and Michigan Canal Heritage Corridor. This heritage corridor has already served as a model for several other corridor designations and should be examined in developing the Mississippi River Heritage Corridor. The experience of the Illinois and Michigan Canal Heritage Corridor clearly demonstrates that the concept of designating an area historically significant enhances the cooperative efforts of state, local and federal agencies in the necessary planning efforts. Further, the designation calls public attention to the great significance of the corridor and facilitates the generation of public suport for and involvement in planning, survey work and decision making.

Senator BUMPERS. Thank you, Dr. Devine.

Gentlemen, I appreciate the time you have taken to prepare your statements and to come here to be with us this morning on this very important piece of legislation. As you know, my own state is deeply involved in the Mississippi River Parkway and all of the things that affect that magnificent real pearl of America.

Some of you may or may not know that I introduced a bill recently to create a lower Mississippi River development commission, from the southern tip of Illinois to New Orleans, which is designed to first set up a commission and then hopefully the federal government take a really massive interest in an area of the country that ought to be the most prosperous of any area in the country, and yet contains the most persistent, pervasive poverty of any area in the United States without exception.

You look at the color coded maps of the United States, and on both sides of that river all up and down you see that poverty is so much deeper there than anyplace else in the country.

I suppose—you know, I do not know why all of that is. Historically, it has an explanation, I think. Race played a part. Those were big plantations where cheap labor was necessary to make the crops, and it was a place where people had been deprived of their basic civil liberties for so many years.

But you know, that has been over for some time. And we need now to figure out where we are going in the future. To me it is totally unacceptable for all of us to sit here and do nothing in the face of something that equals any urban blight in New York or Chicago or any other city in the United States, and in many ways is worse.

So let me say that I am a co-sponsor of this bill, and I favor the bill. One of the things as we have gone through the testimony this morning that concerned me ever so slightly, and that is the possibility of overlapping efforts between this commission, which will I think unquestionably be established this fall, with only that aspect of this dealing with economics.

Maybe we can draft the bill in such a way so that they can complement each other or so that one or the other will be given the jurisdiction to do that, because while I think the heritage corridor—and as you pointed out, I think the two illustrations where it has worked very well are justification for the passage of the bill.

And I will try to visit with Senator Simon and Senator Stennis and see if we can not resolve what possibly could be a little bit of confusion, overlapping. We do not want to spend any more Federal dollars than necessary to accomplish the same goal that all of us seek.

So with that, let me thank you all again. I have no questions of you, and I appreciate your work. I know sometimes these things are lonely efforts, but I appreciate the time and effort you have taken to be with us this morning.

I know that it is very difficult to come here and speak five minutes worth of your piece on the subject. But nevertheless, I want you to know it does not go unnoticed.

Thank you very much. We will stand in recess.

Dr. DEVINE. Thank you, Mr. Chairman.

[Whereupon, at 10:56 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 28 [illegible]

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

At the hearing June 23 before your Subcommittee on S. 1643, a bill to establish the Mississippi River National Heritage Corridor, this Department's witness was requested to provide answers to additional questions for the record.

Enclosed are our responses to those questions.

Sincerely,

Philip G. Kiko
Legislative Counsel

Enclosure

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Questions from Senator McClure

Section 11(b) of the legislation to establish the Mississippi River National Heritage Corridor states "any federal agency entity conducting or supporting activities affecting the Corridor shall, to the maximum extent practicable conduct or support such activities in a manner that takes the plan referred to in section 10 into account."

Question 1: In your opinion does this legal requirement suggest that all federal agencies conducting activities along the Corridor must comply with standards set forth in the plan?

Answer: No, but the language does mean that, consistent with existing funds, personnel, and authorities applicable to the agency's mission, the Federal agency must take the standards into account. Taking into account means that the agency may not ignore the plan. At a minimum, the actions of the agency would have to be accompanied by a showing that it did consider whether its actions were consistent or inconsistent with the plan or had no effect on the plan. It may also mean that if the agency's proposed actions were inconsistent with the plan, the agency would be required to state its reasons for proceeding.

Question 2: If a private individual wants to construct a docking facility not mentioned in the plan, and or opposed by the plan, would a federal agency be prevented from issuing necessary permits for construction?

Answer: No, but as a minimum the agency would be required to state its reasons for proceeding before issuing the construction permits if the facility was opposed by the plan.

Question 3: Do affected federal agencies have an opportunity to participate in the planning process?

Answer: The bill does not specifically provide federal agencies an opportunity to participate in the planning process. Section 11(a)(4), however, directs the Secretary to "coordinate" with federal agencies affected by the plan, the process for developing and implementing the plan.

Question 4: What type of plan review process will be conducted so that agencies may address their concerns?

Answer: The National Park Service has not developed such a review process for the plan proposed in S. 1643. If the legislation is enacted, the National Park Service would consider recommending to the Commission that such a process be developed.

Question 5: Section 12 Restrictions - "Nothing in this Act shall be construed to invest in the Commission or the Secretary authority to interfere with activities of a state, a political subdivision of a state, or a tribal government."

Does this preclude the Secretary from exercising any current authority he may presently have in regulating, or permitting, activities conducted by states, political subdivisions of a state, or tribal governments?

Answer: No. The disclaimer applies solely to new authority enacted in this legislation and not to existing authority.

United States Department of the Interior

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

TAKE PRIDE IN AMERICA

IN REPLY REFER TO
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AUG 10 1988

Honorable Dale L. Bumpers
Chairman, Subcommittee on Public
Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

We have reviewed the letter of June 21, 1988, to you from Mr. Philip A. Nacke, attorney representing several owners of land in the proposed addition to Congaree Swamp National Monument. We have also reviewed the memorandum, enclosed with Mr. Nacke's letter, proposing certain amendments to S. 2018, as well as the questions submitted for the record.

Rather than attempting to respond to the questions as presented, we believe it would be more useful to the Committee to set forth in narrative form the Government's views on Mr. Nacke's position.

What Mr. Nacke appears to be seeking by the proposed amendments to the Congaree expansion bill is to require the United States to value, and pay for, his clients' lands as though the clients owned a right of access to their land across the Beidler tract, formerly owned by Congaree Limited Partnership, that they, in fact, did not own either before or after establishment of the Congaree Swamp National Monument.

Contrary to Mr. Nacke's assertions, diminution in his clients' property values due to the establishment of the monument is not at all involved here and is a mischaracterization of the situation. The establishment of the monument has not impaired any of his clients' rights of access across the monument lands (the Beidler tract) for the simple reason that they owned no such rights. Had their property been taken at the same time as the Beidler tract, their situation in this respect would have been no different than now.

It appears that one or more of the landowners is attempting to characterize as a "right" of access the occasional permission given by Congaree Limited Partnership to landowners or their timber purchasers to cross the Beidler tract for purposes of removing timber. (There is no indication that any landowner except Mrs. Carpenter is asserting such prior permission from the partnership.) At best, such permissive use amounts to a license.

A license is defined as "permission or authority to do a particular act or series of acts on land of another without possessing any estate or interest therein." Black's Law Dictionary, 1068 (4th ed. 1951). "A license is a mere permission or personal and revocable privilege without the licensee possessing any estate in the land. A license passes no property in land and no interest in it." 1 Thompson, Real Property, Sec. 318 (1939). A right of access, viz, an easement, can only be created by express conveyance in compliance with formal requirements; if there is failure to comply with these requirements, the resulting interest, if any, is a license rather than an easement. There is nothing in Mr. Nacke's memorandum to even suggest the creation of an easement by formal conveyance; indeed, the excerpt from Mrs. Carpenter's letter to Senator Thurmond on page 4 of the memorandum concedes that in her case there was none.

Assuming that the monument had never been established and Congaree Limited Partnership still owned the land, the partnership could at any time and for any reason, or for no reason, deny permission to anybody to cross its land. A falling out with the requester, fear of damage by the hauling trucks, changed circumstances; any of these and other reasons could prompt a denial or revocation of permission to cross the land. The requester or licensee--Mr. Nacke's client--having no right to cross the partnership's land, would have no redress. If the partnership sold or otherwise transferred the property, any license or permission it had given would have terminated upon the transfer or sale. Sinclair Pipe Line Company v. U.S., 287 F. 2d 175, 177 (C.Cl 1961). That was the situation of Mr. Nacke's clients' property in the absence of the monument; a most tenuous situation with no legal right of access. And if they sought at any time to sell their properties on the open market (and obtain "market value" for them), they would be marketing land-locked property and the purchase price would be arrived at accordingly.

The Fifth Amendment obligation to pay just compensation recognizes only vested property rights, and not the tenuous rights of licenses and permits. It is clear that a license does not constitute property for which the government is liable upon condemnation. Acton v. U.S., 401 F. 2d 896, 899 (9th Cir. 1968), cert. denied sub nom. Clifton v. U.S., 393 U.S.1121, cert. denied sub nom. Acton v. U.S., 395 U.S. 945 (1969); Sinclair Pipe Line Company v. U.S., supra.

Because the United States is now the owner of the Beidler tract, and because property owners have no right of access across that tract before the conveyance of title, any subsequent use of that tract for access purposes would require the permission of the

government. (The permission of the new owner would be required, whoever the new owner might be.) Any such permit would be a privilege; the Government would have no obligation to grant it, and, the permit, if granted, would be revocable. 43 C.F.R. 2800.0-5 (i). Mr. Nacke suggests, however, that the possibility --or likelihood, in the event the monument is designated a wilderness area--that his clients will not be issued a permit for access, is a project-induced depreciation in the value of his client's property which in fairness ought to be rectified by valuing their lands as though they had access across the monument. This notion is erroneous both in logic and law.

> The Fifth Amendment obliges the government to pay only for what it takes, not for what it may decline to give.

Winn v. U.S., 272 F. 2d 282, 288 (9th Cir. 1959) (rejecting a claim of compensation for denial of access to a new highway located on portion of claimant's land condemned for the highway).

The decision of the Supreme Court in U.S. v. Fuller, 409 U.S. 488 (1973), involving Federal grazing permits, should be dispositive of this issue. In that case the Court ruled that it had been error for the trial court to permit the condemnees to value their fee-owned lands as enhanced because of their actual or potential use in conjunction with permit lands owned by the Government. The court held that the Government "need not compensate for value which it could remove by revocation of a permit for the use of lands which it owned outright," id., at 492; that "the Fifth Amendment does not require the Government to pay for that element of value based on the use of respondents' [landowners'] fee lands in combination with the Government's permit lands." Id., at 493.

The facts in Fuller are analogous to what is involved here: Mr. Nacke is saying that his clients' lands should be valued as enhanced by their potential use (frustrated by the Government) in conjunction with a permitted access across the monument lands. That claim must be rejected as barred by the decision in Fuller. Mr. Nacke's clients are in an even weaker position than the property owners in Fuller, who actually held permits. Mr. Nacke's clients have no permits.

We trust the foregoing will be useful to the Committee.

Sincerely,

William Penn Mott, Jr.
Director

APPENDIX II

Additional Material Submitted for the Record

Upper
Mississippi River
Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

June 21, 1988

The Honorable Dale Bumpers, Chairman
Public Lands, National Parks and Forests Subcommittee
Senate Energy and Natural Resources Committee
SD-308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

Enclosed is testimony of the Upper Mississippi River Basin Association on the Mississippi River National Heritage Corridor Act (S. 1643). It is our understanding that your subcommittee has a hearing scheduled on this bill for June 23. We would appreciate having the statement included as part of the official hearing record.

The Upper Mississippi River Basin Association was formed by the States of Illinois, Iowa, Minnesota, and Wisconsin to provide an interstate forum for coordination of state water resource management responsibilities and discussion of issues of common concern. The Association offers the enclosed comments on S. 1643 from the perspective and experience of its member states who have management responsibilities for many aspects of river resource development and protection.

Thank you for the opportunity to share the states' views on this significant legislation to bestow national recognition upon the Mississippi River.

Sincerely,

Holly Stoerker

Holly Stoerker
Executive Director

HS:mle
Enclosure

415 HAMM BUILDING
408 ST. PETER STREET
ST. PAUL, MINNESOTA 55102
PHONE 612-224-2880

Testimony of
Upper Mississippi River Basin Association
on "Mississippi River National Heritage Corridor Act"
S. 1643/H.R. 3204

The Upper Mississippi River Basin Association supports efforts to bestow national recognition upon the Mississippi River Valley. The area is indeed a unique and valuable multi-purpose resource with nationally significant economic, environmental, and recreational values. There is no question that the Mississippi Valley is highly deserving of designation as a National Heritage Corridor.

The Upper Mississippi River Basin Association is an interstate forum for water resource management, dialogue, and cooperative action. Formed by the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin in 1981, the Association provides opportunities for its member states to coordinate their water management responsibilities and study issues of common concern.

The Upper Mississippi River Basin Association and its state members have completed a review of the proposed legislation creating a Mississippi River National Heritage Corridor. While the Association is supportive of national designation of the Mississippi River Corridor, enhanced focus and clarity of the legislative language could improve the future utility of the Heritage Corridor Act. The following comments represent the Association's major concerns with regard to specific provisions of the proposed legislation. These comments reflect the Association's experience with regional interstate coordination from the perspective of state management agencies:

Scope of Responsibility

The Act appropriately recognizes the diversity of the river corridor through frequent reference to "historic, economic, recreational, scenic, cultural, natural, and scientific resources." While recognition of the multi-purpose character of the area is essential for wise use and balanced development, the scope of issues in which the Commission may become involved appears to be virtually limitless. This potential liberal interpretation of the Commission's mandate seems inconsistent with what appears to be an emphasis on economic development. This emphasis on economic development in turn could well be viewed as inconsistent with a "heritage corridor" designation which connotes a focus on activities which may be incompatible with certain types of economic development. In short, the Act could be enhanced by more focused definition of the purview of the Commission particularly with respect to the term "economic development" which appears to be the primary emphasis.

Relationship to Management Agencies

The relationship between the Commission and state, federal, and local management agencies is unclear. Given the fact that existing agencies have regulatory, programmatic, and management responsibilities with regard to both land and water resources in the Corridor, the relationship between any newly created organization and existing agencies with statutory authorities must be clearly articulated and understood.

Two specific provisions of the Act contribute to this lack of clarity. Seciton 10(b) directs the Commission to "assist" states and political subdivisions that undertake activities in the Corridor. The specific nature of the assistance is undefined and could be construed as another layer of government. Furthermore, it presumes deficiencies in the execution of existing government activities. Certainly, existing programs by all levels of government must be coordinated and there are forums at many levels to accomplish this. Given the ambiguity of the term "assistance" it may be useful to consider an "advisory" role for the Commission.

Section 9(c) stipulates that states and political subdivisions are required to provide to the Commission whatever information is necessary to fulfill the Commission's prescribed functions. This provision contributes to the confusion over the term "assistance" in Section 10(b). In addition, since the Commission's functions are not well defined, this requirement is potentially onerous. To avoid future conflicts and potential misinterpretation, the Act should clarify the relationship of the Commission to existing units of government.

Plan

One of the Commission's primary duties is the preparation of a plan (Section 10(a)) "which shall provide an inventory and assess the preservation, protection, enhancement, enjoyment and utilization of the historic, economic, recreational, scenic, cultural, natural and scientific resources of the Corridor." The plan is to specifically describe economic opportunities in the Corridor and recommend actions to encourage economic development.

While the plan is the major product of the legislation, the states of this Association are unsure of the way in which the plan will fit into existing or future efforts to implement activities on the River. The purpose for the planning effort is key and we believe should be more clearly stated. An inventory, for example, should be preceded by a clear understanding of how it might be used.

Information Clearinghouse

The Commission is authorized to collect information dealing with on-going activities, management plans, and opportunities in the Corridor and make this available to interested parties. It is not clear from the Act whether the clearinghouse will act as an information/reference library or as a decision-making facility. In addition, the clearinghouse will potentially duplicate efforts of existing organizations. The clearinghouse should be more clearly defined in the Act and should provide a service not presently available.

Commission Organization

The Commission is to be composed of 101 members (10 members per state) who are ultimately appointed by the Secretary of the Interior and is to be headed by the Director of the National Park Service. The provision raises a number of issues of concern:

1) The Senate and House versions of the bill treat the relationship between the Parkway Commission and the Heritage Corridor Commission in slightly different ways creating potential confusion over the specific intent. There appears to be a parallel between the Corridor Commission's structure and

that of the Parkway Commission without replacing the Parkway Commission. If the intent is to replace the Parkway Commission, that should be specified in the legislation.

2) Since a Commission of 101 delegates is a substantial number of representatives, the rationale for the size of the Commission should be articulated and justified.

3) Despite the fact that the Governors nominate members, the Secretary of the Interior has final authority on appointments, which is a situation potentially uncomfortable for the states in this region.

4) Finally, it is questionable if the National Park Service can provide the necessary expertise to head a multi-purpose Commission with emphasis on economic development.

Boundary Designation

The Act defines the corridor as the area within the boundary lines depicted on the map "Great River Road Inventory 1985." This area is an approximately 14 mile wide corridor bound by two lines on either side of the river which do not correspond to political or tangible boundaries. To administer and promote the program more efficiently and effectively the boundaries should be based on political or physical boundaries which can be better delineated. Based on past experience, county boundaries are the most practical.

Funding

The Act authorizes $500,000 for each of the fiscal years 1989, 1990, and 1991. Considering the size and duties of the Commission the funding may be inadequate. In addition, the three year authorization will not provide funding for the last year of the four year term that is to be served by the members. While it may be inappropriate to address nonfederal financial arrangements in federal legislation, the Association is interested in what plans may be under consideration for additional outside funding.

Conclusion

The Upper Mississippi River Basin Association has had the opportunity to discuss many of these concerns with proponents of the legislation. It is our understanding that Congressional sponsors and major proponents of the bill are contemplating revisions that address many of the States' concerns. The Association would support efforts to tighten the focus and clarify the scope of the legislation. The Mississippi River is highly deserving of the national recognition that designation as a National Heritage Corridor would bestow. However, the roles and responsibilities of any newly created institutions such as the Heritage Corridor Commission must be clearly defined and coordinated with existing federal, state, and local authorities.

OFFICE OF THE GOVERNOR
STATE CAPITOL
DES MOINES, IOWA 50319
515 281-5211

TERRY E. BRANSTAD
GOVERNOR

June 17, 1988

The Honorable Dale Bumpers
U.S. Senate
Chairman, Subcommittee on Public Lands
SD 308
Washington, D. C. 20510

Dear Senator Bumpers:

I am writing on behalf of Governor Terry Branstad who is currently traveling in the Soviet Union.

The Governor has asked that I inform you of his support of federal legislation to designate the Mississippi River as a National Heritage Corridor (S1643 and HR3304). This legislation will enhance efforts of the Mississippi River Parkway Commission to focus attention on the available resources of the Mississippi River Valley and to develop a plan to encourage economic development balances with historic preservation, tourism, and environmental enhancement.

Thank you for your consideration; and your support of S1643 and HR 3204 would be greatly appreciated.

Sincerely,

James B. Kersten
Administrative Assistant

JBK/rcb

Testimony

for the

Subcommittee on Public Lands

National Parks and Forests

of the

Committee on Energy and

Natural Resources

23 June 1988

Mark Frech, Director of the Illinois Department of Conservation

Mr. Chairman and Members of the Committee, as Director of the Illinois Department of Conservation, I wish to support, in concept, Senate Bill 1643, the Mississippi River National Heritage Corridor Act. I also wish to compliment Senator Simon and the endorsers; the Bill provides the opportunity and catalyst to promote the nationally significant values of the Mississippi River Corridor.

The Bill is consistent with policy objectives of two major 1987 publications, the Report of the President's Commission on American Outdoors, Americans Outdoors, The Legacy, The Challenge, which recommends such "greenways" for their many values, and the Report of the Governor's Task Force on Recreation and Tourism, A Vision for Illinois' Recreation and Tourism Future, which does the same.

The Bill not only creates an interstate greenway along America's major river with innumerable, associated natural and cultural resources of great diversity but also facilitates protection and enhancement of those resources. It provides me with an additional means to nurture the natural and recreational resources along the Mississippi River in Illinois, and I welcome it.

In fact, these natural and recreational resources represent a major part of the Mississippi River Corridor in Illinois. They are a major basis for tourism and economic development in the corridor, and I am fully aware that this heritage not only enhances the quality of life for all Illinois residents but also benefits the livelihood of corridor residents.

I am pleased that the legislation, for the first time, recognizes this heritage and facilitates promotion, interpretation and conservation of it in a coordinated and comprehensive manner. The legislative objectives are responsible, innovative and achieveable. The Bill is worthy of authorization and implementation; I believe the time to act is now and I ask you to do so favorably.

In closing, I offer some comments for your consideration. My staff and I have some experience with the Illinois and Michigan Canal National Heritage Corridor, and my comments are reflective of that insight:

1. Boundaries. We recommend that the corridor initially encompasses and focuses upon those counties and parishes which border the river.

2. Commission. We recommend that the number of commissioners be limited to a managable number, say 24 or 30, and that the Executive Board be deleted; that 2/3 of the members be nominated by the Governors, representing local interests and governments and that such numbers not be allocated to the States equally but rather by a ratio proportionate to their river mileage; and that 1/3 of the members represent national interests and government.

3. Commission Staff. We recommend that the Secretary advise the Commission on interim staff needs and options.

4. Plan. We recommend that the Commission's charge be expanded beyond inventory and assessment of resources, description of economic development opportunities and recommendations for economic development.

   It should include conservation, recreation and preservation considerations. The planning effort itself should articulate comprehensive goals, objectives and actions for the Commission and strategies with which to implement them.

   The plan should also identify technical assistance activities for all federal agencies to provide.

In conclusion, I fully support the Mississippi River National Heritage Corridor as an addition to the National Park System.

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Congress of the United States
House of Representatives
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COMMITTEES
ARMED SERVICES
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KEN BLACK
ADMINISTRATIVE ASSISTANT
S.H. "SAMMY" HENDRIX
DISTRICT ADMINISTRATOR

June 23, 1988

Senator Dale Bumpers
Chairman
Subcommittee on Public Lands, National Parks
and Forests
308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

As you may be aware, I am unable to appear before your Subcommittee today to speak in behalf of S.2018, the Congaree Swamp National Monument Expansion and Wilderness Act, due to recent lung surgery. However, I want to commend you for moving so expeditiously in bringing this legislation to the forefront.

As you know, the Congaree Swamp National Monument was established in 1976 in order to preserve the rare and rapidly disappearing southern bottomland hardwood forest. The area is also notable in that it is home to many endangered species as well as several extraordinary ancient trees. In 1983, Congaree became the first area in South Carolina to be included in UNESCO's Biosphere Reserve and it has been nominated for recognition as a World Heritage Site.

S.2018, as well as the House version, H.R.4027, which I have sponsored along with the entire South Carolina delegation, would add approximately 7000 acres to the monument in order to protect this priceless resource from the threats of encroaching development, environmental degradation, and habitat destruction. Further, the proposed expansion would enlarge the Monument to include valuable adjacent areas and would facilitate more efficient management of this resource.

Again, I appreciate your Subcommittee's attention to the need for this legislation. It appears that we are on the verge of giving the necessary expansion to the Monumert that will make it a vital resource not only for South Carolinians but for all Americans. I pledge my continued cooperation with you and Members of your Subcommittee in order to facilitate the consideration of this legislation. I look forward to my return to Congress to work with you in this effort.

Sincerely,

Floyd Spence

FLOYD D. SPENCE
Member of Congress

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*NOT ADMITTED IN D. C.

HAND DELIVER

June 21, 1988

Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Senate Committee on Energy and
Natural Resources
United States Senate
SD-308 Dirksen Senate Office Building
Washington, D. C. 20510

Re: S.2018 -- Expansion of the
Congaree Swamp National Monument

Dear Senator Bumpers:

I represent Mrs. Joy Carpenter and her mother, Mrs. Celia Buyck, of St. Matthews, South Carolina; Mr. Peter Buyck, also of St. Matthews; Dr. Allan Bruner of Sumter, South Carolina; and Mr. Frank Beidler of Chicago, Illinois. All of these people are owners of tracts of land in Richland County, South Carolina within the area earmarked by S.2018 for expansion of Congaree Swamp National Monument. We are associated in this representation with Mr. Terrell L. Glenn of the Columbia, South Carolina firm of Glenn, Irvin, Murphy, Gray & Stepp.

The lands which our clients stand to have taken for expansion of the Monument are situated between the current Congaree Swamp National Monument and the Congaree River. As such, access to these particular properties is substantially impaired by the existing Monument; the lands effectively are in-holdings.

Our clients are concerned over the potential depreciating effect on their property values that creation of the already existing Monument has brought about. They fear that when it comes to valuing their lands for the expansion, the government might claim their property has a reduced value because of the limited access that

HAMEL & PARK

results from being sandwiched between the existing Monument and the River. We all believe that such a claim would be extremely unfair since it is the government who created the potential value-reducing condition in the first place by establishment of the existing Monument. In addition, our clients are concerned about the lengthy period of time involved and the delay inherent in federal land acquisition practice. To protect the entitlement of our clients to full just compensation in the event their lands are taken and to expedite the acquisition process, we wish to offer for consideration two amendments to S.2018, which if accepted would go a long way toward mollifying our clients' concerns.

I have met and discussed these amendments with Mr. Tom Williams of the subcommittee staff. Mr. Williams has been most understanding and supportive. In addition, I have dealt extensively with members of Senator Thurmond's staff (Messrs. Spong and Talbert) and they likewise have been very helpful. Also apprised of our activities are Mr. Jim O'Toole of the subcommittee's minority staff, a member of Senator Hollings staff, and Ms. Merrick of your staff.

As hearings on S.2018 approach this week, the purpose of this letter is to let you know of our representation of these clients and of their extreme interest in the proposed amendments. A detailed memorandum setting forth the language of the proposed amendments and a statement in justification of them, which may be used for the hearing record, is enclosed herewith. I certainly hope you will be able to view the proposed amendments favorably.

We would be happy to respond to any request that you or the subcommittee staff may have for further information. Obviously, we will be deeply grateful to you for your help.

Best regards.

Sincerely,

HAMEL & PARK

Philip A. Nacke

By: Philip A. Nacke

Enclosure
cc: Mrs. Joy B. Carpenter
Dr. Allan P. Bruner
Mr. Peter Buyck
Mr. Francis Beidler III

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*NOT ADMITTED IN D.C.

June 21, 1988

MEMORANDUM SUBMITTED IN SUPPORT OF
MAKING CERTAIN AMENDMENTS TO S.2018
AUTHORIZING EXPANSION OF THE
CONGAREE SWAMP NATIONAL MONUMENT

Introduction

This memorandum has been prepared on behalf of Ms. Joy B. Carpenter, Dr. Allan P. Bruner, Mr. Peter Buyck, and Congaree River Limited Partnership (Mr. Francis Beidler III), all of whom own property along the north and east bank of the Congaree River in Richland County, South Carolina, which is earmarked by S.2018 for addition to the Congaree Swamp National Monument. The above four ownerships, as well as at least another four ownerships, are situated between the current Congaree Swamp National Monument and the Congaree River. As such, access to these particular properties is substantially impaired by the existing Monument; the lands effectively are in-holdings.

The owners of the in-holdings are concerned over the potential depreciating effect on their property values that creation of the existing Monument already has brought about. They also are

concerned that designation of the existing Monument as wilderness may further depreciate the value of their properties. Last, they are concerned about the lengthy period of time involved and the delay inherent in federal land acquisition practice, a concern which is heightened by the knowledge that their properties, scheduled for acquisition, lie sandwiched between the existing Monument and the Congaree River. Accordingly, they wish to offer for consideration two amendments to S.2018, which if accepted would ameliorate their concerns. The text of the proposed amendments follows:

Amendment No. 1 [proposed § 203]

> In determining the market value of properties acquired pursuant to § 201 of this Act, any depreciating effect or loss in value of such properties resulting from establishment of the Monument (90 Stat. 2517), which depreciating effect or loss occurred after federal acquisition of the Beidler tract and prior to enactment of this provision, shall not be taken into account; further, the market value of such properties shall be determined without regard to the restrictions imposed by Title I of this Act.

Amendment No. 2 [proposed § 204]

> In the event of acquisition by condemnation, the Secretary is hereby authorized and directed to employ the declaration of taking procedure as set forth at 40 U.S.C. § 258a et seq.

A more detailed statement, setting forth with particularity a justification for each of the proposed amendments, comprises the balance of this memorandum.

Amendment No. 1 [proposed § 203]

Proposed Amendment No. 1 states:

> In determining the market value of properties acquired pursuant to § 201 of this Act, any depreciating effect or loss in value of such properties resulting from establishment of the Monument (90 Stat. 2517), which depreciating effect or loss occurred after federal acquisition of the Beidler tract and prior to enactment of this provision, shall not be taken into account; further, the market value of such properties shall be determined without regard to the restrictions imposed by Title I of this Act.

The purpose of this amendment is to protect the right of certain landowners, who will be affected by the proposed expansion of the Congaree Swamp National Monument, to receive just compensation for their lands.

The current proposal for a 7,000-acre expansion of Congaree Swamp National Monument (the Monument) includes several tracts, totaling approximately 1,800 acres of land, that lie between the Monument, as established in October 1976, and the Congaree River. (These tracts are identified in red on the accompanying map.) Subsequent to federal acquisition of possession in February 1978 of the properties which now comprise the present Monument, these tracts have become for all practical purposes in-holdings, with access available only by water. Entry from the north across the existing Monument is foreclosed, being neither allowed by the National Park Service nor, at this date, even feasible since the road network that existed on the Monument at the time of its acquisition has been

eliminated for the most part in an effort to restore the lands to a more wilderness-like character.

Indicative of the predicament in which the in-holders have been placed is the situation of Ms. Carpenter. In a recent letter to Senator Thurmond she stated:

> Over a long period of time my father managed the 800+ acre tract in Richland County for timber production. He would make timber sales on a periodic basis. While he had no legally recorded right-of-way across the Beidler lands to the north, external access was no problem. Mr. Beidler would always allow us or our timber purchasers to cross his lands for purposes of removing the sale timber. This "right" of ingress and egress established through custom, tradition, and general neighborliness came to an end when the federal government acquired possession of the Beidler tract. No longer could a purchaser of our timber come from the north across the Monument. Practically speaking, even if the National Park Service posed no objection to logging trucks going over Monument lands, the ability to do so has vanished anyway since the road system that the Beidlers had maintained on their tract has been dismantled or allowed to overgrow and deteriorate by the Park Service. We still have the ability to log our timber across the River; in fact, my father sometimes did that. But that is a more costly undertaking in today's market, and would yield less return to us. Consequently, we have sold no timber since the Monument was put in place.

Amendment No. 1 will place the owners of these in-holdings in the position they would otherwise occupy at this time had the Monument not been created some ten years ago. Further, to the extent the in-holdings are adversely affected by S.2018's designation of the existing Monument as wilderness, the last clause of this proposed amendment will insure that such depreciating effect is disregarded.

The concern addressed by the amendment stems from possible application of a legal doctrine designed to protect the government from paying "enhanced" values when it exercises its power of eminent domain. The problem is that, when applied to the factual circumstances of the in-holdings, the doctrine -- the "Scope-of-the-Project" rule -- could unwittingly have the effect of allowing the government to pay less (i.e., depreciated values) for these particular expansion lands than it would be required to pay had Congress not previously established the Congaree Swamp National Monument.

Under the "Scope-of-the-Project" rule, the courts will value property taken to expand an existing project without regard to the effect on value (either positive or negative) that presence of the existing project may exert if it can be said that the expansion lands were within the "scope of the project" from the outset. If, on the other hand, the expansion is found to constitute a separate and independent project, the landowner is entitled to a valuation of his property which considers the proximity of the existing project as a positive or appreciating factor in the valuation of the expansion lands.[1] But as explained later herein, the state of the law is unclear when the expansion is found to constitute a separate and

---

1. The rule was developed in a series of Supreme Court cases beginning with Kerr v. South Park Commissioners, 117 U.S. 379 (1886), and Shoemaker v. United States, 147 U.S. 282 (1893), and culminating with the Court's decision in United States v. Miller, 317 U.S. 369 (1943). The doctrine received what is probably its most thorough exposition in United States v. 320.0 Acres of Land, 605 F.2d 762 (5th Cir. 1979).

independent project and the proximity of the existing project has a negative or depreciating effect on value.

The reasoning behind the rule is that if it was reasonably certain that the expansion lands were to be taken from the initial stages of the creation of the project, it is unfair to the government to require it to pay for the lands based upon their proximity to the existing project (a factor normally enhancing the value of the expansion lands) simply because of the slowness of the government's acquisition process. Conversely, the courts reason that if the expansion is in fact a "new" project, it is unfair to deny compensation to a landowner based on the proximity of his lands to the existing project when the landowner could have reasonably expected that his lands would have been benefitted by their proximity to a government project.

The policy reasons behind the "Scope-of-the-Project" rule make perfect sense when applied to the normal case where the government's project -- a reservoir, park or other public work -- enhances the value of the surrounding lands. The doctrine is more troublesome, however, if applied in the situation where the government's initial project "dis-enhances" or diminishes the value of the adjacent lands to be acquired later. If the after-acquired lands were within the scope of the project as originally formulated, no consideration will be given to the existence of the project and its depreciating effects on surrounding property values will not be considered. The landowner, in such an instance, is protected. What happens, however, when the after-acquired lands are not within the

scope of the initial, depreciating project? Applied mechanically, the "Scope-of-the-Project" rule might allow for a valuation which takes into account the existence of the government's project and results in the payment of compensation diminished by consideration of that project. For example, under the circumstances of these proposed takings, the presence of the already existing Congaree Swamp National Monument, if taken into account, may in the valuation analysis serve to depreciate the value of landowners' in-holdings if the Monument is determined to be a barrier to the removal of the timber resources on those tracts. Applied in this fashion, the "Scope-of-the-Project" rule, rather than ensuring that the government is not forced to pay enhanced value for lands it must acquire for a public project, only serves to punish the landowner whose in-holdings may not have initially been within the project's scope.

Landowners seek this proposed amendment to the Congaree Swamp National Monument expansion legislation (S.2018) out of an abundance of caution and a desire to minimize future litigation, for it is not clear from either a factual or legal standpoint that the "Scope-of-the-Project" rule would automatically work to the detriment of landowners under the circumstances of this proposed acquisition.

First, from a factual standpoint, certain portions of the legislative history of the 1976 act establishing the Congaree Swamp National Monument indicate that the in-holdings (now included among the lands that are the subject of the expansion legislation) were within the scope of the project from its outset. For example, the April 1976 House hearings on the bill that became the Congaree Swamp

National Monument Act indicate that the National Park Service originally proposed the acquisition of these in-holdings, currently under consideration, along with the property (the Beidler tract) that was finally authorized for acquisition in 1976. See, e.g., Statement of Dr. Richard Curry, Associate Director for Legislation, National Park Service, Hearings Before the Subcommittee on National Parks and Recreation of the House Committee on Interior and Insular Affairs, 94th Cong., 2d Sess. 18 (Apr. 29, 1976). The need for acquiring these "in-holdings" to "fill out" the proposed park also was recognized by others at the 1976 hearing. See id. at 22-23, 25, 26, 43, 53, 58. A particularly illuminating exchange occurred between Congressman Seiberling of the subcommittee and John Felder, a representative of the South Carolina House of Representatives, in which Mr. Felder expressed concern over the acquisition of lands apart from the Beidler tract. See id. at 153-56. Mr. Seiberling responded that, even if the in-holdings as to which Mr. Felder expressed concern were not authorized as part of the initial park, it would be likely that the lands would find their way into the park at a later date:

> We have had experience with similar situations in the case of the Indiana Dunes National Lake Shore. There were some people in the area of Beverly Shores, where they had actual homes on the lake. When the bill was passed, they objected so strenuously and they said that they did not want to be included. So we did not include them.
>
> Several years later, they came by after they saw the results of the lake shore acquisition and said, "Well, we think we want to be included now."

> We just reported out a bill from this committee a few weeks ago in which we added them to the national lake shore, and I suspect we will find the same sort of thing happening here.
>
> As a practical matter, it seems to me, if we are going to acquire the Beidler tract for the Park Service, we ought to draw the line, which they have drawn on this map, which includes Mr. Brady's and others, but we might consider saying, but as to those tracts, we might put on the restriction of your ability to acquire them by anything but negotiation.

Id. at 157 (emphasis added).

While the in-holdings currently under consideration were not finally authorized for acquisition by the 1976 legislation, the record demonstrates that they were under consideration at the time and that the failure of Congress to include them in the initial authorizing legislation was only a compromise designed to obtain passage of the proposal that was enacted. The Supreme Court's most recent pronouncement on the contours of the "Scope-of-the-Project" rule indicates that such evidence of congressional purpose may be enough to trigger application of the rule:

> As with any test that deals in probabilities, its application to any particular set of facts requires discriminating judgment. The rule does not require a showing that the land ultimately taken was actually specified in the original plans for the project. It need only be shown that during the course of the planning or original construction it became evident that land so situated would probably be needed for the public use.

United States v. Reynolds, 397 U.S. 14, 21 (1970).

Thus, the amendment that the in-holders seek accomplishes nothing more than that which they would be entitled to under Reynolds

so long as it is recognized that from an early date it was likely these in-holdings would probably be added to the Park. Besides the legislative record developed in 1976, actions of the National Park Service in the immediately following years show that the in-holdings were scheduled for ultimate acquisition. Section 5(b)(1) of the act establishing Congaree Swamp National Monument (90 Stat. 2518) directed the Secretary of the Interior to indicate, within three years, "the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area." This directive was in fact satisfied by a National Park Service report dated August 1979. In the report, the Park Service recommended acquisition of the in-holdings here under consideration. National Park Service, Assessment of Alternatives for Proposed General Management Plan and Wilderness Suitability Analysis, Congaree Swamp National Monument, South Carolina, at 80 (Aug. 1979).

Second, landowners wish to emphasize that, as a matter of law, the courts hesitate to allow government actions to have a depreciating effect on property that is subsequently to be acquired by the government. The commentators have noted as a general matter that "[i]t would be manifestly unjust to permit a public authority to depreciate property values by a threat to erect an offensive structure and then to take advantage of this depression in the price which it must pay for the property." 1 Orgel, Valuation Under Eminent Domain § 105, at 447 (1953). Relying on this principle, the courts

have refused to allow government actions to depress market values of property to be acquired by the government, even if those actions occur prior to federal "commitment" to the new project.

For example, in United States v. 222.0 Acres of Land [Assateague Island Condemnation Cases Opinion No. 3], 324 F. Supp. 1170 (D. Md. 1971), the court considered the effect on property values of government actions undertaken even prior to the time when Congress authorized the project in question. Congress authorized the creation of Assateague Island National Seashore on September 21, 1965. From 1963 to 1965, however, the federal government, with the cooperation of the State of Maryland, engaged in various activities to prevent development in the area, such as the delay of bridge construction, the withholding of sewer permits, and a building permit moratorium. The tracts at issue in 222.0 Acres of Land were actually condemned in 1967-1968. At trial, the government introduced evidence of comparable sales in the area from 1961 to 1965; landowners argued that the sales were not representative because of the actions of the federal government and the State of Maryland during the period from 1963 to 1965 that depressed prices in anticipation of congressional authorization of the project. See id. at 1171, 1175-77.

The court rejected the government's argument that the actions from 1963 to 1965 were mere "incidents of ownership" and held that "[i]t would be unfair to permit the condemning agency to depress property values, directly or indirectly, by interfering with the property owners' rights to use their land, and then take advantage

of such depression to reduce the price which it must pay for the property." Id. at 1180.[2]

Third, landowners take some comfort from the fact that the Executive Branch (Department of Justice) appears to have adopted as a general principle that "compensation in a condemnation case should neither be reduced or increased because of an alteration in market value attributable to the very project for which the lands are being acquired . . . ." Opening Brief for the United States, at 30 (filed Jan. 15, 1988) in United States v. 36.8 Acres of Land, Nos. 87-2775, etc. (9th Cir.) (Redwood National Park expansion cases). In the present instance, the Congaree in-holders may have suffered a depreciation in the value of their lands that is directly attributable to the project (the Congaree Swamp National Monument) for which their lands are now scheduled to be acquired. The Monument has substantially impaired access to their properties and, consequently, their ability to enjoy the full use and benefit of their lands has been diminished. It is not fair or just that these in-holders should be so burdened

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2. It should be noted that the courts have consistently rejected governmental efforts to use zoning powers to reduce the value of property to be subsequently acquired through exercise of the eminent domain power. See, e.g., United States v. Certain Lands in Truro, 476 F. Supp. 1031, 1035-36 (D. Mass. 1979) (restrictive zoning ordinances passed by municipality in response to federal legislation creating Cape Cod National Seashore cannot be used by government to diminish values of property subject to ordinances when property subsequently condemned by government); Symonds v. Bucklin, 197 F. Supp. 682, 685 (D. Md. 1961) (zoning cannot be used as substitute to defeat just compensation by depressing property values and thus reduce condemnation values); Robertson v. City of Salem, 191 F. Supp. 604, 612 (D. Or. 1961) (zoning ordinance passed to depress land values and prevent higher economic use in contemplation of condemnation void).

by the government and then, after the burden has been placed on them, be forced to sell to the federal government at a reduced price that results from the imposed burden. Inasmuch as the government's (DOJ's) stated policy in this area comports with landowners beliefs, the legislative relief sought herein simply ensures the outcome of what should, in any event, come to pass.

In conclusion, the Congaree in-holders would like to point out that the legislative relief for which they petition is by no means inappropriate or unique. While it is the duty of the courts to declare what is the "just compensation" that is required under the Fifth Amendment (see Monongahela Navigation Co. v. United States, 148 U.S. 312, 327 (1893)), Congress has not hesitated in various pieces of authorizing legislation to set terms of compensation that will take into account special factors -- that might otherwise be ignored by the courts -- that merit special consideration in the valuation analysis. See, e.g., Boundary Waters Canoe Area Wilderness Act, Pub. L. No. 95-495, § 5(a), 92 Stat. 1649, 1652 (Oct. 21, 1978) (recognizing that wilderness designations and other regulatory measures imposed by the act had a depreciating effect on the value of privately owned resorts scattered throughout the Boundary Waters Canoe Area, Congress (i) allowed the owners of such resorts a seven-year period within which to require purchase of their property, (ii) extended to any such owner an election to have his property valued on either of two possible dates, whichever would yield the higher valuation, and (iii) specified that the restrictions of the act which had a depreciating effect on value should be disregarded when

determining fair market value of such properties); American-Mexican Chamizal Convention Act of 1964, Pub. L. No. 88-300, § 3(b)(2), 78 Stat. 184, 185 (Apr. 29, 1964) (recognizing that an August 29, 1963 treaty with Mexico, which called for the transfer of certain privately owned property in the United States to Mexico, had a depreciating effect on the use and value of such property to be transferred, Congress, when authorizing acquisition of said property (1) provided for recovery of "loss of business" damages, an item not normally recoverable as part of just compensation, and (ii) specified that such damages could be recovered for losses incurred between July 18, 1963, when the treaty was announced, and an unspecified future date whenever the government made a firm offer to purchase); Act of August 23, 1958, Pub. L. No. 85-731, § 1 (adding § 28(c) to the Klamath Termination Act), 72 Stat. 817 (recognizing, in the timber market which existed at that time, that a standard fair market value appraisal of the Klamath Indian Reservation would yield a discounted value due to the enormous volume of timber involved, Congress in spelling out the tasks of certain Review Appraisers specified that the fair market value of the Klamath Indian Reservation was to be determined as if the property were broken up into a number of units and sold over a three-year period, August 24, 1958-August 13, 1961, rather than on a single date).

The instant bill (S.2018) presents a similarly appropriate vehicle for legislative relief, which relief can forestall later uncertainty that may work to the detriment of the in-holders. As landowners have demonstrated that this relief is nothing more than

they should otherwise be entitled to under a correct application of the law, the Congaree in-holders submit that the proposed amendment is in the best interests of all concerned in this proposed expansion of Congaree Swamp National Monument.

Amendment No. 2 [proposed § 204]

Proposed Amendment No. 2 states:

> In the event of acquisition by condemnation, the Secretary is hereby authorized and directed to employ the declaration of taking procedure as set forth at 40 U.S.C. § 258a et seq.

The purpose of this amendment is to ensure that the National Park Service promptly goes about land acquisition. In the event negotiated purchases cannot be worked out, use of the declaration of taking procedure will insure that title and possession of whatever property is at issue vest immediately in the United States, whereas a complaint-only proceeding brought pursuant to 40 U.S.C. § 257 would not so protect the United States since title and possession would not pass to the government until after trial of the valuation issue. The declaration of taking procedure will also lead to earlier compensation for the in-holders, since the government must make a deposit of its estimate of just compensation along with the declaration. For the in-holders who already have been adversely affected by the existing Monument's presence for ten years, this is an eminently reasonable request that will expedite the overall resolution of their problems.

The Secretary of the Interior, of course, already has the statutory authority to employ the declaration of taking procedure.

That authority, however, is limited in a de facto sense by prior proscriptions of the Senate Committee on Interior and Insular Affairs, now the Committee on Energy and Natural Resources. The National Park Service prior to the filing of any declaration of taking is expected to consult with the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs and is to obtain committee clearance for the proposed action before a declaration of taking is filed. See S. Rep. No. 1597, 90th Cong. 2d Sess. at 2 (Oct. 1, 1968) (Biscayne National Monument, Fla.). The amendment here under discussion would obviate the need for such prior consultation and approval in the instance of Congaree Swamp National Monument expansion. By adopting this amendment, Congress would be granting such approval in advance.

It should also be noted that the National Park Service has been reticent on some occasions to seek committee clearance for the filing of declarations of taking, even though the committee would have approved such requests in a timely fashion. Whether that posture was taken for negotiating purposes vis-á-vis the landowner or for some other reason we do not know. However, it should be emphasized that, if taken for purposes of negotiating with a landowner, such action runs counter to the directions and spirit of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, 84 Stat. 1894, the intent of which is to see that owners of property taken by the federal government are dealt with honestly and fairly. For example, 42 U.S.C. § 4651(7) provides:

> In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

Moreover, on at least one occasion (acquisition of 14,770.65 acres for the existing Congaree Swamp National Monument), National Park Service refusal to seek declaration of taking authority from the committees at an early date resulted in the Park Service having to pursue other more exotic methods for preserving the property at issue pending acquisition of title and ultimately cost the government approximately $15,000,000 more in acquisition costs than if a declaration of taking had been filed at the outset. The amendment here under consideration would prevent such behavior in the instance of acquisitions for Congaree Swamp National Monument expansion by directing the Secretary to employ the declaration of taking procedure.

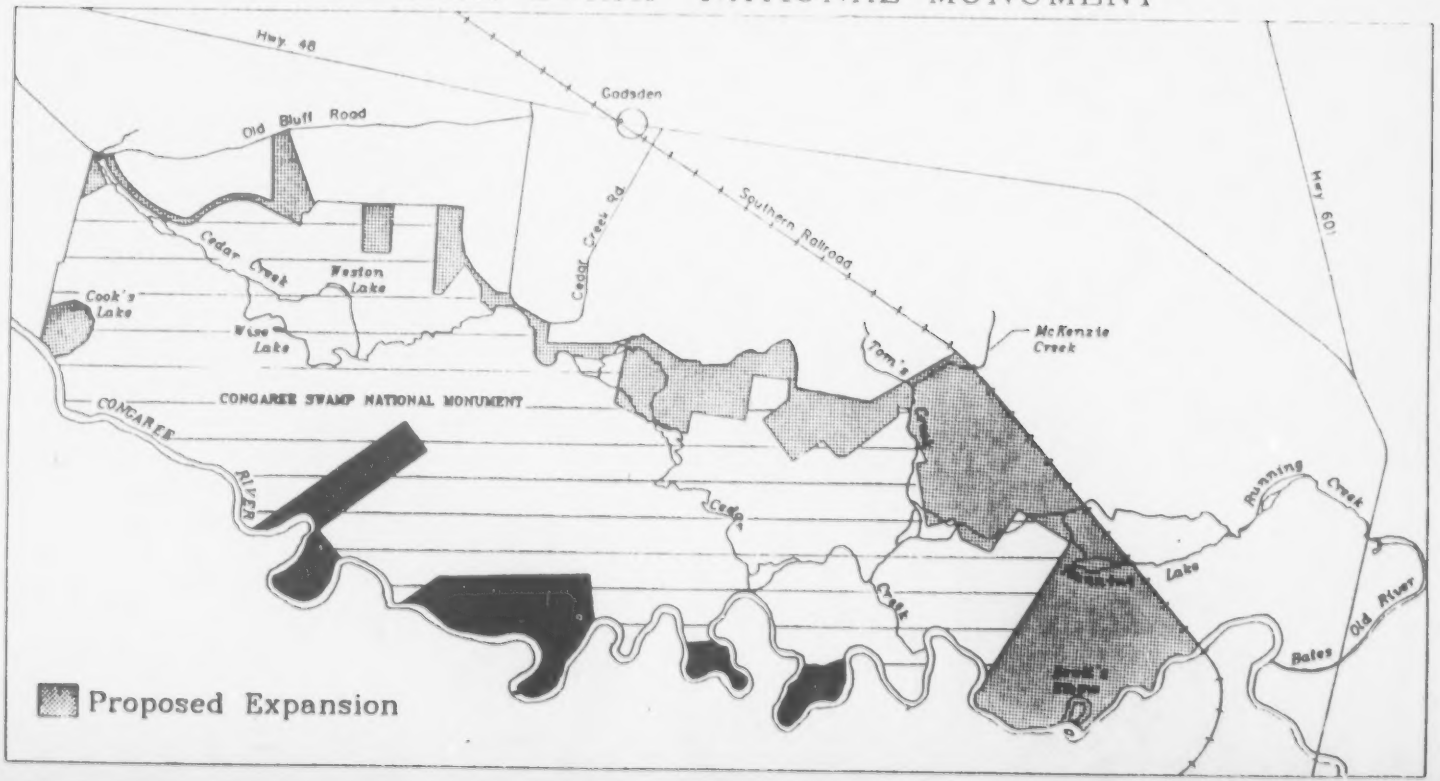
Respectfully submitted,

HAMEL & PARK

Philip A. Nacke

By: Philip A. Nacke

CITIZENS' BOUNDARY PROPOSAL
FOR
CONGAREE SWAMP NATIONAL MONUMENT



UNITED STATES SENATE
ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

JUNE 23, 1988

Mr. Chairman and Members of the Subcommittee,

My name is William W. Bruner. My address is 1301 Heatherwood Road, Columbia, South Carolina 29205. This testimony is presented on behalf of myself and William W. Bruner, Jr., Thomas W. Bruner, and James L. Bruner, my sons. We appreciate this opportunity to express to the Subcommittee our interest in the Congaree Swamp National Monument.

The legislation before you today, S.2018 is known as the "Congaree Swamp National Monument Expansion and Wilderness Act." The bill would authorize the addition of certain lands to the Congaree Swamp National Monument, and it proposes that certain wilderness areas and potential wilderness additions be included in the existing Monument and in the expanded Monument.

The Bruner family supported the creation of Congaree Swamp National Monument, and we view this area as a national treasure. We are proud that this unique forest is located in South Carolina, near our home in Columbia. We commend Senator Thurmond, Senator Hollings, Congressman Spence, the remainder of the South Carolina Legislative Delegation, and the Sierra Club and other citizens' groups, all of whom helped to recognize and protect the Congaree Swamp National Monument.

We have another reason to be interested in the Monument area: We own approximately 330 acres adjoining its current boundaries. An early proposal for expansion of the Monument under the authority of S.2018 would straighten the western boundary of the Monument so that it would cut off approximately 145 acres of our property.

We strongly oppose the inclusion of our property in the authorized boundary of the Congaree Swamp National Monument for a number a reasons. These include our hopes of using the property for our family and their friends to enjoy the outdoors together; to learn how to manage woodlands properly, for the benefit of the abundant wildlife there; and generally to experience nature in a unique way. Other points that we present for your consideration are the following:

1. The 145 acre area known as Cooks Lake (a map is included in your materials) is unquestionably the prime section of our

330 acre tract. It is relatively high ground, and it contains many features which are special to us.

2. The Cooks Lake area was cut over about 10 years ago, and has no significant stand of timber as do portions of the Monument property. The lake itself is very shallow, and contains no fish.

3. The present property line, while irregular, follows a natural boundary which could be called a creek bed, "gut," or large ditch. When viewed from our property, the area shown on your maps as Cooks Lake is clearly discernible. In wet weather, it is full of water, and forms a natural boundary which is even more clear.

4. The proposed boundary is simply a line drawn through swamp land with no regard to the natural terrain. The only reason that we have been given for including this property in the Monument is to "straighten out the property line, reducing its length."

The reasons that we have been given for including the 145 acre Cooks Lake Tract in the 7,000 acres which would be added to the Congaree Swamp National Monument do not seem to justify compromising the heart of our property. This is property which we plan to keep in the family for generations to come, for the benefit of our grandchildren and great grandchildren. The arbitrary line to the west of the swamp as proposed, though straight, does not do justice either to us as representatives of the family or to the natural features of the land.

We appreciate this opportunity to be heard by the subcommittee, and especially we are grateful for the cooperation and support that we have received from Senator Thurmond and Senator Hollings. We understand that Senator Thurmond has requested that you draw the western boundary so that it does not include the 145 acres known as Cooks Lake. We endorse that request, and ask that you give every consideration to our position.

Thank you very much Mr. Chairman. We would be happy to answer any questions from the Subcommittee.

South Carolina
Wildlife & Marine
Resources Department

James A. Timmerman, Jr., Ph.D.
Executive Director
W. Brock Conrad, Jr.
Director of
Wildlife and Freshwater Fisheries

June 20, 1988

The Hon. Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
U. S. Senate
Washington, D. C. 20510

Dear Senator Bumpers:

The South Carolina Wildlife and Marine Resources Department submits the following comments on S. 2018, legislation to expand the Congaree Swamp National Monument. These comments are essentially the same as those submitted to the National Park Service in January, 1988 in response to the proposed general management plan for the Monument.

Our Department recognizes the tremendous ecological significance of the existing Congaree Swamp National Monument and strongly supports additional efforts to adjust property boundaries in order to better protect this old growth swamp system, facilitate management, and provide recreational and interpretation facilities consistent with the basic purpose of protecting this unique swamp forest system.

As a landowner and manager, the Wildlife Department is well aware of the need for adequate buffer to protect ecologically significant natural systems. We feel that the addition of 2,464 acres recommended by the Park Service is minimal. Although the management plan recognizes the (1) interrelationship of adjacent floodplains to the monument, and (2) the potential effects of timber cutting on lands adjacent to the monument, the proposed boundary adjustment does not address obtaining as much adjacent floodplain as possible or of providing buffer that is not old-growth. Most of the additions to the proposed boundary, other than in-holdings that obviously must be acquired, are old-growth forest; little or no consideration appears to have been given to adjacent tracts that have been selectively cut or clear cut. Lands that are functionally a part of the swamp system here ideally should be included, whether or not they are old growth.

If the stated rationale in the management plan for selecting the proposed alternatives is followed, then the National Natural Landmark boundary, which we understand coincides closely with the "citizens proposal" boundary, would provide the ideal boundary in terms of protection and management. Although we realize that there are definite fiscal constraints, we would support efforts to acquire as much of the Landmark or "citizens proposal" boundary as possible.

Rembert C. Dennis Building ☐ P.O. Box 167 ☐ Columbia, South Carolina 29202 ☐ Telephone: 803 - 734-3886

We are also very supportive of efforts to include nesting habitat for the Red-cockaded Woodpecker in the authorized boundary. We offer the cooperation of our Nongame Wildlife Program in developing appropriate management strategies.

We support the proposed designation of most of the Monument as wilderness or proposed wilderness. As development continues and likely accelerates in South Carolina, the wilderness experience will become more and more difficult to find. The Monument is highly appropriate as a designated wilderness area.

In keeping with Department policy concerning all public lands, we would favor a policy of providing public hunting on the monument when it is consistent with other uses. We would also favor acquiring properties within the authorized boundary by purchasing them from willing sellers rather than by condemnation.

We appreciate the opportunity to comment on this legislation and applaud efforts to provide long-term protection to this unique ecosystem.

Sincerely,

James A. Timmerman, Jr.
Executive Director

/k

PRT

Fred P. Brinkman
Executive Director
(803) 734-0166

June 20, 1988

The Honorable Dale Bumpers, Chairman
Public Lands, National Parks and Forests Subcommittee
UNITED STATES SENATE
Washington, D. C. 20510

Dear Senator Bumpers:

The South Carolina Department of Parks, Recreation and Tourism (PRT) is concerned about the proposed General Management Plan and Wilderness Suitability Study for the Congaree Swamp and National Monument.

Several of our staff members have reviewed both the National Park Service's proposal and the Citizens' Boundary proposal. In light of all information available, PRT supports the 6300-acre proposal recommended in the Citizens' Boundary proposal for reasons described in the attached statement.

In conclusion, the Department of Parks, Recreation and Tourism is responsible for provision of quality outdoor recreation and for these reasons, we support the Citizens' Boundary proposal with hopes that the National Park Service will give serious attention to it. In turn, we offer our support for S.2018, the Congaree Swamp National Monument Expansion and Wilderness Act.

Thank you for the opportunity to express our concern and desire to assist you in our mutual effort of promoting parks and recreation.

Sincerely,

Fred P. Brinkman

Enclosure

CONGAREE SWAMP NATIONAL MONUMENT:
A WILDERNESS SUITABILITY AND EXPANSION proposal

The South Carolina Department of Parks, Recreation and Tourism has reviewed the proposed General Management Plan and Wilderness Suitability Study for Congaree Swamp National Monument.

PRT has concerns regarding the 2464-acre National Park Service proposal and offers its support to the Citizens' Boundary proposal which would expand acquisition to include 6300 acres. This expanded proposal is reflected in S.2018, the Congaree Swamp National Monument Expansion and Wilderness Act.

Based on PRT staff review, listed below are justifications for our support of the Citizens' Boundary proposal (S.2018):

1. Congaree Swamp is deemed internationally significant. It's recent inclusion as the first South Carolina site in UNESCO's international network of Biosphere Reserves is indicative of this, as well as its nomination of recognition as a World Heritage Site. It is also the site of the country's largest remaining old growth bottom land hardwood forest.

2. Growth in the Columbia Metropolitan area will expand rapidly in the next decade. The boundaries in question need to assure an adequate buffer zone for resource and habitat protection as well as provision for public access and recreation. The additions of the Cook's Lake tract and wider corridor protection of Cedar Creek will offer more scenic amenities and canoeing opportunities. Furthermore, the Citizens' proposal recommends a future access corridor along McKenzie Creek and Tom's Creek in addition to the inclusion of historic Huger's Road, a ferry road dating back to 1781. It will also protect 23 continuous miles of the north bank of the Congaree River which is part of a 37-mile river segment eligible for designation as a State Scenic River. Inclusion of additional segments of the Running Lake system will further protect the hydrologic character of the park since Running Lake is a major drainage artery discharging into the Wateree River downstream. It also includes protection of Devil's Elbow, a prime example of an oxbow formation.

3. The Citizens' Boundary proposal incorporates natural and management boundaries in a more practical manner. This will facilitate multiple use management goals for public access, recreation, and resource protection. This will include additions of the valuable northern bluff for the length of the park's northern boundary and the flood plain from the Congaree River to the northern bluff. The inclusion of these areas is vital to the protection of the park's resources since this entire zone is intricately linked both hydrologically and biologically.

Acquisition of formerly logged areas is also an important feature since near-record-size trees indicate a good potential to recover and become as significant as the core of the park. (Another good example of a park composed primarily from logged areas is the Great Smoky Mountains National Park.) Finally, by setting the park's eastern boundary at the railroad, better management and law enforcement can be accomplished through a clear, distinct boundary line.

4. In light of budgetary constraints at all levels of government, the cooperative approach described in the Citizens' Boundary proposal is a wise decision. This will provide federal, state and private entities the opportunity to work together for the mutual benefit of all citizens who will enjoy the Congaree Swamp National Monument.

South Carolina Water Resources Commission

1201 Main Street, Suite 1100 ☐ Columbia, S.C. 29201 ☐ Telephone (803) 737-0800

Alfred H. Vang
Executive Director

June 21, 1988

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands, National Parks
and Forests
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

The following comments are submitted by the South Carolina Water Resources Commission in support of S.2018, legislation to expand the boundaries of the Congaree Swamp National Monument in South Carolina. The legislation represents a significant step toward the protection of ecologically significant values of the Congaree Swamp Natural Monument by providing a more comprehensive approach to protection of the ecosystem.

The South Carolina Water Resources Commission has a particular interest in the Congaree River and consequently the Monument, since a 37-mile stretch of the river is designated as eligible for the South Carolina Scenic Rivers Program. The eligible segment of the Congaree begins at the confluence of Congaree Creek and the Congaree River, and ends at the Southern Railway bridge east of the current boundaries of the Congaree Swamp National Monument. This segment is adjacent to the entire length of the Monument.

The Congaree Swamp contains the largest remnant of old-growth southern bottomland hardwood forest in the United States. In order to better protect this nationally and internationally significant resource, the National Park Service recommends acquiring an additional 3900 acres. This proposal is an increase over the original proposal of 2464 acres due to the public response to the General Management Plan.

The Water Resources Commission agrees that additional lands are needed for better resource protection and to insure the integrity of the Congaree Swamp. However, we feel that the National Park Service's proposed addition will not sufficiently accomplish these goals. The addition of the 7000 acres as proposed in S.2018 will better protect the ecological values of the Congaree Swamp. It will also facilitate more comprehensive management and provide a wider range of recreational activities.

The Congaree Swamp should be managed as a total ecosystem as much as possible. In order to accomplish this goal, the park boundary should coincide with the northern bluff, as currently proposed by the Park Service, all the way to the Southern Railway railroad tracks beyond the current boundary. The Commission also feels that the railroad track makes a more logical eastern boundary, which is also the boundary for the National Natural Landmark designation for the swamp. This would also allow the inclusion of the Running Lake drainage and protect the ecologically significant Devil's Elbow oxbow lake.

Expanding the eastern boundary to the railroad tracks would also provide a buffer that is not old-growth forest. Even though these eastern lands have been selectively cut or clear cut, given time they will once again become mature hardwood bottomland forest. We must take a long term view when considering the overall ecosystem needs of this swamp system.

The Commission fully supports the acquisition of all inholdings along the Congaree River. In discussing the acquisition of land parcels along the Congaree River, the Park Service Management Plan states that "placing the boundary at such a distinct, easily recognized feature will allow both the public and monument staff to know immediately what is within the boundary. Resource Managemen and law enforcement will, therefore, be enhanced." We do feel, however, that the same logic that makes the river an important boundary also applies to the railroad tracks east of the current park boundaries.

The Water Resources Commission staff also feels that the western boundary should include Cook's Lake. Including Cook's Lake would protect a scenic oxbow lake and also provide a uniform boundary along the western edge of the monument.

Although the Commission staff supports acquiring more acreage than recommended by the National Park Service, we do find some very positive proposals in the plan. We fully support the Park Service plan for visitor use. The monument should be enjoyed in its primitive condition with a minimum amount of development for visitor use in the interior of the monument.

It is also commendable that a minimal amount of acreage will be devoted to Development Zones. The proposed developmental activities appear adequate to ensure access, educational, and administrative facilities.

We further support the designation of the majority of the monument lands as wilderness. The value of the Congaree Swamp National Monument lies in its wilderness character. The Water Resources Commission staff encourages the acquisition of the lands to the Southern Railway tracks and that they be designated as potential wilderness.

The Congaree Swamp National Monument is an extremely significant natural resource and a place of incredible beauty. The Water Resources Commission appreciates the opportunity to comment on this proposed legislation which would help protect this unique ecosystem.

Sincerely,

Alfred H. Vang
Executive Director

AHV:cw

SIERRA CLUB South Carolina Chapter

... To explore, enjoy and preserve the nation's forests, waters, wildlife and wilderness ...

Details Pertaining to Sierra Club's Statement

before the Senate Subcommittee on Public Lands, National Parks and Forests

June 23, 1988

Washington, D.C.

RE: S.2018 -- Congaree Swamp National Monument Expansion and Wilderness Act

Richard Watkins
P. O. Box 1467
Camden, SC 29020
(803) 425-3138 W

S2018

Sierra Club
June 23, 1988
S.2018

Sierra Club's involvement in Congaree Swamp dates back to 1969, when our first Congaree Swamp outing was conducted. Since then, Sierra Club has been actively engaged in efforts to protect portions of the Congaree ecosystem. These efforts include the citizens' campaign of the mid-1970s to establish Congaree Swamp National Monument.

Congaree Swamp is nationally and internationally significant because it contains the largest remnant of old-growth southern bottomland hardwood forest in the country. Within the Congaree forest are a number of trees which are national champions -- past or current -- per criteria of the American Forestry Association. Congaree's significance is affirmed in its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. The National Park Service has described Congaree, with its biological and geological features, as "truly a remarkable ecological story...." In the words of Dr. Charles Wharton, an expert on southern river swamps and bottomlands, "The Congaree thus stands as a national treasure, a relict of our environmental heritage that simply must endure."

As established in 1976, Congaree Swamp National Monument consists solely of the 15,135-acre Beidler tract. Although this tract is the heart of Congaree Swamp, it alone does not provide a suitable boundary for the monument. The establishing legislation (P.L. 94-545) recognizes that additional lands are needed for resource protection, scenic integrity, management and administration of the monument.

Despite the world-class natural resources of Congaree Swamp National Monument, the Nov. 1987 General Management Plan describes the monument as "operationally sub-marginal", partially because of current boundary deficiencies. S.2018 addresses boundary-related problems by expanding CSNM's authorized boundary from 15,200 acres to 22,200 acres.

A cross-section of the Congaree River ecosystem includes the river, the floodplain on both sides of the river, and the bluffs which confine the floodplain. Optimally, Congaree Swamp National Monument should have ecological boundaries which extend from the high bluffs south of the river to the low bluffs north of the river. This involves boundary expansion of 11,000-12,000 acres.

Rather than boundary expansion bluff-to-bluff, S.2018 expands the boundary by 7,000 acres north of the river. This 7,000-acre expansion is a very reasonable action for conditions in 1988; it recognizes budgetary constraints, and it is responsive to local political considerations.

FAIRNESS TO ALL PARTIES

Congaree Swamp National Monument needs additional lands to achieve a suitable boundary. In our advocacy of CSNM boundary expansion, Sierra Club has consistently advocated considerate treatment and fair compensation of all affected landowners. Sierra Club also advocates fair treatment of the federal government in establishing acquisition terms and purchase prices for these lands.

LANDOWNER INVOLVEMENT

The campaign of the mid-1970s to establish Congaree Swamp National Monument was an intense effort which was accompanied, regrettably, by polarization and a lack of communication between park proponents and affected landowners.

In contrast, the current boundary expansion effort has proceeded, and hopefully succeeded, with great emphasis on establishing and maintaining dialogue with landowners, thereby seeking to avoid misunderstandings and polarization.

The National Park Service's draft boundary expansion proposal is contained in the General Management Plan for the monument. During August 1987 (almost three months before this draft management plan was released for public comment), the Park Service wrote to each of the 25 landowners whose land is included in the NPS draft proposal. In the letter, the NPS offered to meet with each landowner -- in Columbia, or at the monument, or some other location convenient to the owner -- to discuss how the NPS boundary proposal would affect each owner's land. Virtually all of these 25 landowners met with or talked by phone with or corresponded with the Park Service during August and September 1987, and virtually all indicated willingness to sell / discuss selling land for addition to the monument. During these contacts, only one owner opposed acquisition of his Congaree land (4 acres), situated between the monument's southern boundary and the north bank of the Congaree River.

Availability of the NPS draft management plan, with its boundary proposal, was announced in the "Federal Register" on November 9, 1987. Each of the 25 landowners whose land is included in the NPS draft boundary proposal received a copy of the draft management plan from the Park Service, accompanied by a cover letter to notify recipients of the two-month comment period (November 9- January 11) for the draft GMP.

The National Park Service conducted a public meeting/ public hearing December 10, 1987 in Columbia S.C. after providing written notification of the hearing to the 25 landowners. Attendance was estimated at 75-100 persons. Of the eleven persons who spoke at the hearing:

* 9 supported the Citizens' Boundary Proposal.
* 1 supported the Park Service proposal.
* 1 expressed concern about loss of land for hunting.

No landowners spoke during the hearing, although six or more landowners were present. The Park Service talked after adjournment of the hearing with one owner who was unhappy about the hearing process until informed that the Park Service had met previously with his partners, and they had accepted monument expansion.

During the two-month public comment period, only two owners submitted written comments to the Park Service:

* One of these owners explained that his timber is mature and needs to be cut. Access to haul logs is a dilemma. He is willing to sell his forested tract to the Park Service.
* The other owner submitted a one sentence letter, objecting to expansion of the monument. However, this owner has stated previously and subsequently that he is willing to sell land for addition to the monument. Perhaps his letter of objection is intended to strengthen his bargaining position.

In contrast to the minimal number of landowner comments, public response was heavy. Of the 11 oral statements at the Dec. 10 hearing and the 578 written comments during the two-month comment period, the National Park Service reports that 577 responses support the Citizens' Boundary Proposal for the monument. Not included in these figures are additional letters of support for the Citizens' Proposal which arrived after the deadline. Among supporters of the Citizens' Proposal are:

* Richland County Council.
* S.C. Wildlife and Marine Resources Dept.
* S.C. Water Resources Commission.
* S.C. Dept. of Parks, Recreation and Tourism.
* Sierra Club.
* South Carolina Audubon Council.
* League of Women Voters of South Carolina.
* National Audubon Society.
* The Wilderness Society. } TWS and NPCA prefer a larger
* National Parks and Conservation Assoc. } boundary than the Citizens' Proposal.
* Gov. Carroll Campbell

(His March 29 letter of support for H.R.4027 is appended to these comments. H.R.4027 and S.2018 are identical.)

During May 1988, the National Park Service distributed a Finding of No Significant Impact as the next step in the planning process. The FONSI includes a map (dated April 1988) of the Park Service's revised boundary expansion proposal for CSNM. The revised NPS proposal (3,900 acres versus 2,464 acres in the NPS draft proposal) significantly increases the amount of Georgia-Pacific Corp. land within the expansion, and it adds two new "large" landowners who had not been affected by the NPS draft proposal. Sierra Club has talked with and/or corresponded with each of these three owners at least four times. The Park Service has also talked with these owners.

* Georgia-Pacific Corp. does not oppose selling its Congaree bottomlands.
* The larger of the "new" owners (238 acres) is willing to sell the land for addition to the monument.
* The next-larger "new" owner (145 acres) does not want to sell at this time. Inclusion of this land within the monument's authorized boundary does not force this owner to sell. Additional details are provided in the following section "The Cook's Lake Tract (the Bruner Property)".

Most of the remaining difference in acreage between S.2018 and the revised NPS boundary expansion proposal is land owned by Georgia-Pacific Corp. These lands are addressed in the section "Expansion Along the Monument's Eastern Boundary". As stated previously, Georgia-Pacific does not oppose selling its Congaree bottomlands for addition to the monument.

THE COOK'S LAKE TRACT (THE BRUNER PROPERTY)

The 145-acre "Cook's Lake tract" (the semicircular-shaped tract along the monument's western boundary) is included in:

* the Congaree River Swamp National Natural Landmark.
* the Citizens' Boundary Proposal.
* S.2018 and H.R.4027.
* the NPS revised boundary proposal (map dated April 1988).

These 145 acres are part of a 332-acre tract, purchased by the Bruner family in December 1986.

In our contacts with landowners, Sierra Club's objectives are to meet and establish dialogue with owners, to learn and understand their perspectives, and to work together to identify a mutually-agreeable path forward to expand the monument's authorized boundary while being responsive to the owners' perspectives.

In our dialogue with the Bruners, we understand and respect their perspective, but unfortunately, we have not found a fully acceptable arrangement to satisfy their concern while providing for the monument's interests. The Bruners do not want to sell their land at this time, and they apparently have no plans to sell in the foreseeable future. They are uncomfortable about inclusion of their property within the monument's authorized boundary because they fear the government might exercise eminent domain authority to force them to sell. They are also uncomfortable that if they voluntarily decide to sell in the future, the government might acquire only the 145 acre portion of their tract, leaving them with the other 187 acres which, from their perspective, are less functional, less appealing, and less marketable.

Twelve years ago, as Congress was deliberating establishment of Congaree Swamp National Monument, the Beidler tract was virtually surrounded by lands whose owners were just as adamant and just as sincere as the Bruners in stating they did not want their land to be acquired for the monument. Therefore, these adjacent tracts were omitted when the monument's boundary was authorized in 1976. One year later, two years later, five years later, some of these same owners changed their minds and voluntarily offered to sell their land to the Park Service. (Rep. Seiberling, at the House hearing in 1976, had anticipated this might happen, based on experience elsewhere.) The tragic and insurmountable barrier insofar as these subsequent offers to sell was the fact that, in response to landowner opposition, these lands had been omitted in 1976 from Congaree's authorized boundary. As a result, when these tracts were offered on a willing seller basis, the Park Service could not buy them although the Park Service definitely wanted to buy them.

To emphasize this point, let's consider the extent of transactions involving lands adjacent to the monument:

* Of the nine properties which S.2018 will add along the monument's current southern boundary, six have changed hands since 1976.
* All lands adjacent to the monument's eastern boundary have changed ownership since 1976.
* Substantial changes in ownership have occurred since 1976 along the monument's northern boundary.
* Except for a few acres at the northwest corner of the monument, all lands along the monument's western boundary have been sold at least twice since 1976. This includes the 145-acre Cook's Lake tract.

We understand and accept that today, the Bruners do not want to sell the Cook's Lake tract. Perhaps they will continue to own this tract for the next 200 years, or perhaps they will voluntarily decide to sell in the future, just as many other landowners have changed their minds and decided to sell during the past twelve years. History since 1976 shows that Congaree lands adjacent to the monument change ownership. Two opportunities have already been missed to purchase the Cook's Lake tract -- because the Park Service lacked authorization to purchase this property. If the Bruners decide to sell voluntarily in the future, Sierra Club wants the Park Service to have the necessary authorization already in place to offer to buy the Bruners' land. Therefore, Sierra Club advocates inclusion of the Bruner property within the monument's authorized boundary.

Based on our most recent (June 7) discussion, the Bruner family seeks two guarantees to ensure their interests are protected:

1. Eminent domain authority will not be exercised to acquire any or all of the Bruners' 332-acre tract.
2. If the federal government purchases this property from the Bruners on a willing seller basis, the government would, at the discretion of the sellers, purchase the entire 332-acre tract rather than only the 145-acre portion which is included in the current boundary expansion proposal.

Again, Sierra Club hopes a path forward can be identified which is responsive both to the owners' perspective and the monument's interests. Unfortunately, a workable approach to satisfy the Bruners' first concern has not yet been defined.

The Bruners' second concern can be resolved by including the entire 332-acre tract within the monument's authorized boundary. Although the Bruners consider the additional 187 acres to be less marketable and less functional for their purposes, these additional 187 acres are riverfront lands which are certainly compatible both with Congaree Swamp National Monument expansion and with Scenic River protection for a 37-mile segment of the Congaree River.

EXPANSION ALONG THE MONUMENT'S EASTERN BOUNDARY

S.2018 will add approx. 3,000 acres to the eastern end of the monument, and it will set the monument's eastern boundary at a distinct, easily recognized feature -- the railroad -- as shown on the map. Almost all of this land is owned by Georgia-Pacific Corporation. These lands are part of the Congaree River Swamp National Natural Landmark, and they were also part of a CSNM boundary expansion bill H.R.7703 which was introduced in 1980 by Congressmen Burton and Sebelius.

Mr. Burton and Mr. Sebelius introduced H.R.7703 "in order to protect outstanding bottomland hardwood forests within the floodplain of the Congaree River, to provide for a boundary that encompasses the ecological unit formed by the floodplain of the river, and to enhance and improve the management and protection of the resources of Congaree Swamp National Monument...." (The principal difference between S.2018 and the earlier H.R.7703 was H.R.7703's inclusion of significant lands south of the Congaree River.)

Although H.R.7703 died in subcommittee for reasons totally unrelated to the merits of the natural resources, the significance of these Georgia-Pacific lands is affirmed in an August 1980 letter from Interior Secretary Andrus to Georgia-Pacific Corp. President T. Marshall Hahn:

> "From a resource management standpoint, the National Park Service and the Department of the Interior recognize the national significance of these resources and the importance of the protection of the prime bottomland hardwood stands immediately adjacent to the national monument."

While affirming the significance of resources adjacent to the monument, the Administration did not support H.R.7703 because of erroneous high cost estimates. Although the cost error was quickly pointed out by the NPS Southeast Office, serious damage resulted. The door closed on an opportunity for discussions with Georgia-Pacific about a timber-harvesting moratorium. Another consequence was cessation of the Park Service's planning process for CSNM until Feb. 1986.

The Congaree planning moratorium was not accompanied by a timber-harvesting moratorium. Since 1980, logging has continued on Georgia-Pacific lands between the monument's eastern boundary and the railroad. Because of logging, the question might be asked: do these lands qualify for addition to the monument?

Answers are provided in an October 1986 report by scientists with the South Carolina Heritage Trust Program. Their directive from the Park Service was to provide recommendations concerning possible adjustment of the Congaree River Swamp National Natural Landmark boundary, based on alterations since the area's NNL designation in 1974. Specifically, they were to assess whether recent timber management has affected the long-term ecological significance of some portions sufficiently to warrant their removal from the NNL. Heritage Trust's report recommends not only that all existing lands in the NNL be retained, but that the NNL be enlarged.

In reference to NNL lands east of the monument, the 1986 evaluation determined that:

* Magnificent river swamp has been cut.
* Significant areas remain uncut.
* Logging has not yet altered the hydrologic regime of these lands.
* These lands serve to maintain the hydrologic integrity in the NNL core (the national monument).
* Presence, or former presence, of large, near-record-size trees indicates this area has the potential to recover and become as significant as the NNL core (the national monument).

Heritage Trust's commentary about the importance of NNL lands east of the monument for the hydrologic integrity of the monument is supported by the U.S. Geological Survey. In its report "Hydrology and Its Effects on Distribution of Vegetation in Congaree Swamp National Monument, South Carolina", the USGS confirms (page 4) that "most of the discharge from the [monument's] floodplain is [eastward] to the Wateree River, which joins the Congaree River a few miles below the Monument."

Quoting from the draft General Management Plan for the monument: "Floodplain lands outside the monument relate importantly to the monument because of their ecological interrelationship." Also, "lands immediately to the east have been clear-cut in small patches right up to the monument boundary. These timber practices adjacent to the monument adversely affect the monument...."

All lands which adjoin the monument's eastern boundary are corporate timberlands. Therefore, until these lands are acquired for the monument, their future is a perpetual cycle of cutting, forest regeneration and regrowth, and more cutting. Until these lands are acquired, the timber practices identified by the Park Service as adversely affecting the monument will continue.

These lands were addressed in a Jan. 11, 1988 letter from the S.C. Wildlife and Marine Resources Dept. to the National Park Service re: omission of these lands from the NPS boundary proposal:

> "Although the management plan recognizes (1) the interrelationship of adjacent floodplains to the monument, and (2) the potential effects of timber cutting on lands adjacent to the monument, the proposed boundary adjustment does not address obtaining as much adjacent floodplain as possible or of providing buffer that is not old-growth. ...(L)ittle or no consideration appears to have been given to adjacent tracts that have been selectively cut or clear cut. Lands that are functionally a part of the swamp system...should be included, whether or not they are old growth. ...(T)he National Natural Landmark boundary would provide the ideal boundary in terms of protection and management."

The National Park Service places high value on park boundaries which are distinct, easily recognized features -- to facilitate and enhance resource management and law enforcement. The Congaree management plan emphasizes this principle for the monument's southern and northern boundaries. S.2018 applies this principle to the monument's eastern boundary by adopting the railroad as a straight, distinct, easily recognized feature for the monument's eastern boundary.

In Park Service documents and in conversation-after-conversation with Park Service personnel, the railroad is the obvious and logical choice for the monument's eastern boundary:

* During our first-ever meeting with NPS personnel (1972), the NPS advised adopting the railroad as the eastern boundary for the Congaree Swamp National Monument proposal.
* In 1974, the railroad was selected as the eastern boundary when the Congaree River Swamp National Natural Landmark was designated.
* A 1976 NPS document "Analysis of Boundary and Management Alternatives - Proposed Congaree Swamp National Preserve" states "the railroad tracks will provide a better defined boundary for visitors and management...."
* The 1979 NPS document "Assessment of Alternatives - Congaree Swamp National Monument" states that "acquisition of these [lands between the current eastern boundary and the railroad] would provide a more manageable boundary for the monument...."

In addition to the forest resources -- past, present, and future -- of the lands between the current eastern boundary and the railroad, these lands have additional features and serve other functions related to the monument and ecosystem protection:

* Visitor Access to the Eastern End of the Monument

  Currently, the eastern end of the monument is inaccessible to most monument visitors. Consequently, few visitors see the resources of the eastern end, such as giant loblolly pines and the largest cypresses in the monument. S.2018 will facilitate visitor access from Kingville Road to the eastern end of the monument.

* Tom's Creek

  Tom's Creek is the "other" stream which flows into the monument. Lesser known and currently less accessible than Cedar Creek, Tom's Creek provides opportunities for fishing and canoeing.

* Running Lake

  Flowing eastward from the monument across Georgia-Pacific lands, Running Lake is a major drainage artery for waters from the monument. As mentioned previously, NNL lands east of the current monument boundary serve to maintain the hydrologic system of the monument.

* Huger's Road

  Huger's Road is a historic ferry road dating from 1781. Bridges and embankments are still visible in places.

* Cattle Mound

  This historic cattle mound, rectangular in shape and believed to be the second largest on the Congaree floodplain, is situated east of the monument's current boundary. Perhaps 150 years old, the cattle mound was constucted to provide a haven for livestock when floodwaters covered the floodplain.

* Devil's Elbow

  Located east of the current monument boundary, Devil's Elbow is the newest oxbow along the Congaree River. It is the prime example of river dynamics and the process of oxbow formation.

* Viewshed Opposite the Congaree River Bluffs

  The National Park Service has Congaree land protection responsibility north of the river.

  However, the Park Service is currently looking to the State of South Carolina and to landowner initiatives to help protect significant Congaree lands south of the river, thereby helping to protect the monument. These lands include the regionally and nationally-significant Congaree River Bluffs, which overlook the floodplain. As scientists have noted, this forested bluff system forms a contiguous feature with the floodplain, and as such, provides natural insulation.

Unprotected National Natural Landmark lands are north of the river opposite the eastern end of the Congaree River bluff system. These NNL lands are the viewshed from this portion of the bluff system. Addition to the monument of the NNL lands between the monument's current eastern boundary and the railroad will protect/restore the viewshed/scenic integrity of the floodplain forest north of the river opposite the high bluffs.

Inclusion in the monument of the National Natural Landmark lands, as provided by S.2018, is entirely appropriate. Unfortunately, the National Park Service continues to omit some of these lands from its boundary proposal, principally because of logging activity. We expect longer-range vision from the Park Service. We disagree with the Park Service's short-term focus on current forest condition rather than the longer-term best interests of the monument.

We are fortunate that our predecessors had the vision to acquire some lands which, at that time, were substantially disturbed by logging. Thanks to their vision, our generation and future generations have the opportunity to visit areas such as Great Smoky Mountains National Park and Shenandoah National Park. Past logging did not keep Great Smoky Mountains National Park from becoming the most visited unit of the National Park System. During the 50-60 years since these parks were established, their forests have recovered to the extent that relatively few visitors today have any concept of forest conditions in the 1930s.

Compared to the Smokies, forest growth on the Congaree floodplain is much more rapid. With a long growing season and abundant moisture and nutrients, the Congaree floodplain is highly productive. Needless-to-say, 200-year-old trees cannot be grown in 75 years, but today's clearcuts on the Congaree floodplain will be magnificent forest in 75 years after these lands are protected in the national monument.

Inclusion of logged areas is not without precedent in Congaree Swamp National Monument. As reported in the Congaree management plan, approx. 2,000 acres of the Beidler tract were selectively logged and 700 acres were clearcut before Congress authorized establishment of the monument in 1976. Timber harvesting did not disqualify these Beidler lands from inclusion in the monument, and likewise, timber harvesting should not disqualify lands which S.2018 proposes for addition to the monument. Further supporting the appropriateness of adding logged lands to the monument is the current NPS expansion proposal, which also recommends selectively-logged and clearcut lands.

In providing a boundary for resource protection, scenic integrity, management and administration of the monument, we regret the extent of logging on adjacent tracts during the past ten years, but to look for a silver lining, acquisition cost of these tracts is surely lower now than before the logging. Let's move forward to authorize the boundary in S.2018 to provide a suitable boundary for the monument north of the river.

ADJUSTMENTS TO THE BOUNDARY MAP FOR S.2018

The boundary map for S.2018 is derived from the Citizens' Boundary Proposal map, which was prepared in September 1987. Since then, several boundary adjustments appear likely:

* Based on its conversations with landowners, the Park Service anticipates that several owners are justified in seeking to sell their entire parcel or tract, rather than only the portion shown on the boundary map. This, of course, will increase the acreage to be acquired.

* S.2018 and the Citizens' Boundary Proposal extend the monument's eastern boundary to the railroad but not to the highway (Kingville Road). Following the public comment period on the Congaree management plan, the National Park Service has accepted a recommendation to provide visitor access at the eastern end of the monument. Therefore, the boundary map for S.2018 should be refined to provide small acreage for access (and parking?) from the Kingville Road. We suggest the Park Service should identify the preferred location and acreage needed between the road and the railroad.

* Mr. Rudy Mancke, Director of Science and Nature Programming at S.C. ETV, emphasizes that the Congaree floodplain's northern bluff and adjacent uplands provide vital habitat for the monument's wildlife when the floodplain is flooded. For this purpose, he recommends the monument boundary should include a strip of adjacent uplands beyond the crest of the northern bluff. This input was received after the Citizens' Proposal map was prepared, and therefore, Mr. Mancke's recommendation is not fully reflected in the current maps for S.2018 and the Citizens' Boundary Proposal.

We believe an authorized boundary of 22,200 acres will provide necessary flexibility to accomplish the types of adjustments described above.

WILDERNESS CONSIDERATIONS

The revised GMP for CSNM will retain an existing air monitoring station in its present location on the floodplain unless/until another suitable site might be identified. The State agency which operates this station apparently needs vehicular access to maintain the station. Road location is shown on the Wilderness Recommendation map (dated April 1988) in the NPS Plan Approval and FONSI.

Sierra Club agrees that air monitoring at CSNM is very important, and therefore, we support retention of the road to the station, with vehicular access to be permitted only for servicing the air monitoring station and for infrequent NPS administrative access. When this station is abandoned, removed, or relocated to an upland site in the future, this road would become part of the wilderness area. Accordingly, we support potential wilderness designation for the road to the air monitoring station. All trees along the road are part of the wilderness rather than the potential wilderness.

The Wilderness Recommendation map (dated April 1988) in the NPS Plan Approval and FONSI shows wilderness and potential wilderness west of the administrative access road to the Congaree River, near the monument's western boundary. Sierra Club supports this upgrade to the wilderness map which accompanies S.2018.

The NPS proposes non-wilderness for a 110-acre Protected Natural Area Subzone, which is habitat for red-cockaded woodpeckers. This habitat could be managed under a wilderness designation, but given the location of this Protected Natural Area Subzone on the upland / at the edge of the monument, we do not object to non-wilderness classification for these 110 acres.

DEVELOPMENT FUNDING

Title III of S.2018 increases the construction and development authorization to $2.7 million, based on figures in the Park Service's draft General Management Plan for the monument. We suggest increasing the construction and development authorization to $3.0 million, which, we understand, is the figure in the revised General Management Plan.

State of South Carolina

Office of the Governor

CARROLL A. CAMPBELL, JR.
GOVERNOR

POST OFFICE BOX 11369
COLUMBIA 29211

March 29, 1988

The Honorable Bruce Vento
Chairman
Subcommittee on National Parks and Public Lands
2304 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr ~~Chairman~~ Bruce

It is my understanding that the South Carolina delegation has introduced legislation to expand the boundaries of Congaree Swamp National Monument in South Carolina, and I am writing to express my full support of H.R. 4027. I respectfully request that the Subcommittee consider this legislation at the earliest possible date.

As you are aware, this measure has received widespread support across the State of South Carolina, along with several interested organizations, who recognize the value of this resource and who want to protect this national monument.

I realize the demands upon the Subcommittee but urge that H.R. 4027 be considered as soon as possible. Please know that I stand ready to be of assistance in any way that I can and hope that you will feel free to call upon me if additional information is needed or if you have any questions in this regard.

Sincerely,

Carroll A. Campbell, Jr.
Governor

CACjr:fa

cc S. C. Delegation

National Trust for Historic Preservation

July 8, 1988

The Honorable Dale L. Bumpers
Chairman
Subcommittee on Public Lands, National Parks
and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Attached is the National Trust for Historic Preservation's testimony for the record in support of S. 2058, the Charles Pinckney National Historic Site Act. The National Trust appreciates the opportunity to make its views known to you and your colleagues on the subcommittee regarding the preservation and protection of Snee Farm, the home of Charles Pinckney, one of our founding fathers.

The committee has done much in the past to bring attention to the problem of protecting our historic resources. The National Trust urges the committee to approve S. 2058 and supports the innovative work made possible by this legislation to save Snee Farm.

Sincerely,

Jack Walter

J. Jackson Walter
President

cc: The Honorable Strom Thurmond
The Honorable Ernest F. Hollings

1785 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 673-4000

National Trust for Historic Preservation

Testimony of

J. JACKSON WALTER, PRESIDENT
THE NATIONAL TRUST FOR HISTORIC PRESERVATION

submitted to the

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

on

S. 2058

July 6, 1988

I am pleased to have the opportunity to support S. 2058, the Charles Pinckney National Historic Site Act. On behalf of the Trustees and over 215,000 members of the National Trust for Historic Preservation, I commend Senators Strom Thurmond and Ernest F. Hollings for sponsoring this legislation and the committee for scheduling this hearing and for its leadership in this and many other issues in the preservation of our national heritage. As the steward of James Madison's house at Montpelier, Virginia, the National Trust deems it particularly significant that, in this Bicentennial year of the ratification of the Constitution, the nation has the opportunity to preserve the house of Charles Pinckney, one of the greatest founding fathers, for generations yet unborn.

Snee Farm near Charleston, South Carolina deserves our nation's protection. It was the country estate of Charles Pinckney, a signer and major contributor to the United States Constitution. The simple but beautifully crafted house, originally built circa 1754, the 25 undeveloped acres that surround it, and the archaeological resources yet to be studied, represent our nation's early agricultural history. In addition, these cultural resources are our tangible connection to Charles Pinckney's life.

Charles Pinckney fought in the Revolution at Savannah and Charleston and spent time as a prisoner of war. After the war he served in the Congress of the Confederation where he became convinced of the need for stronger federal government and was

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among the leaders of the Constitutional Convention of 1787, and the ratification of the Constitution by South Carolina. At age 29, he wrote what is now called the "Pinckney Draft" of the Constitution and presented it to the Constitutional Convention. Several fundamentals of this draft were ultimately incorporated in to the Constitution. Pinckney went on to lead the fight to ratify the Constitution in South Carolina and to become governor of South Carolina; he also served as a U.S. Representative and Senator, and served as Thomas Jefferson's minister to Spain.

Snee Farm is an endangered National Historic Landmark. When the tract was slated for development, Friends of Historic Snee Farm was formed to acquire the site for donation to the National Park Service, which could manage and interpret the site for the public. The National Trust, through our southern regional office in Charleston, has been working to encourage and assist the work of the Friends of Historic Snee Farm. This bill authorizes the Park Service to accept such a donation and thus makes possible an unusual alliance of public and private actions and interests. This approach to saving the site is not only appropriate; it deserves support and encouragement.

Friends of Historic Snee Farm has done an exemplary job of examining all the potential protection options, pursuing the available ones, and recognizing that purchase with the eventual public ownership is the only option that will truly protect the site. This group is to be commended for its substantial fundraising success to date and its determination to meet the negotiated price.

The National Trust is the only national, private, nonprofit organization chartered by Congress with the responsibility for encouraging public participation in the preservation of sites, buildings and objects significant in American history and culture. In 1984 the National Trust stepped forward to accept stewardship of Montpelier, James Madison's lifelong house near Orange, Virginia and opened it to the public in 1987. In this role, the National Trust is very much aware of the continual threats to many of our country's national historic landmarks. Unfortunately, unlike the situation at Snee Farm, where local financial resources and political interest are present, there are few options for protection of these most significant resources.

There are many cases of national historic landmarks and other nationally significant sites at risk, often by development of new commercial or residential districts. In this country, while we have a system of identifying and designating sites and structures of national significance, we have no way of protecting those sites from often devastating encroachment or outright destruction. At this very moment, in Manassas,

Virginia, the site of two of the critical battles of the Civil War is being bulldozed to make way for an enormous shopping mall. Also in Virginia, the village of Waterford, a National Historic Landmark, has no legal protection against a threatened real estate subdivision; such a development ironically would destroy the integrity of the district. In Omaha, Nebraska, a so called urban redevelopment project is in the process of demolishing an entire six square block National Register district in order to create a "corporate campus" for a local corporation which otherwise threatens to move out of town.

This committee has done much to bring attention to the problem of protecting our historic resources. To protect future cases similar to Snee Farm and Manassas, we believe that the ultimate answer lies in comprehensive, nationwide legislation that allows the national interest in protecting nationally significant sites to have a say in local land use decisions.

Mr. Chairman, the National Trust for Historic Preservation urges the committee to approve S. 2058 and allow the National Park Service to acquire and manage Snee Farm. We commend Senator Thurmond and Senator Hollings for their strong support of this innovative approach to protecting one of our nation's most endangered National Historic Landmarks.

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